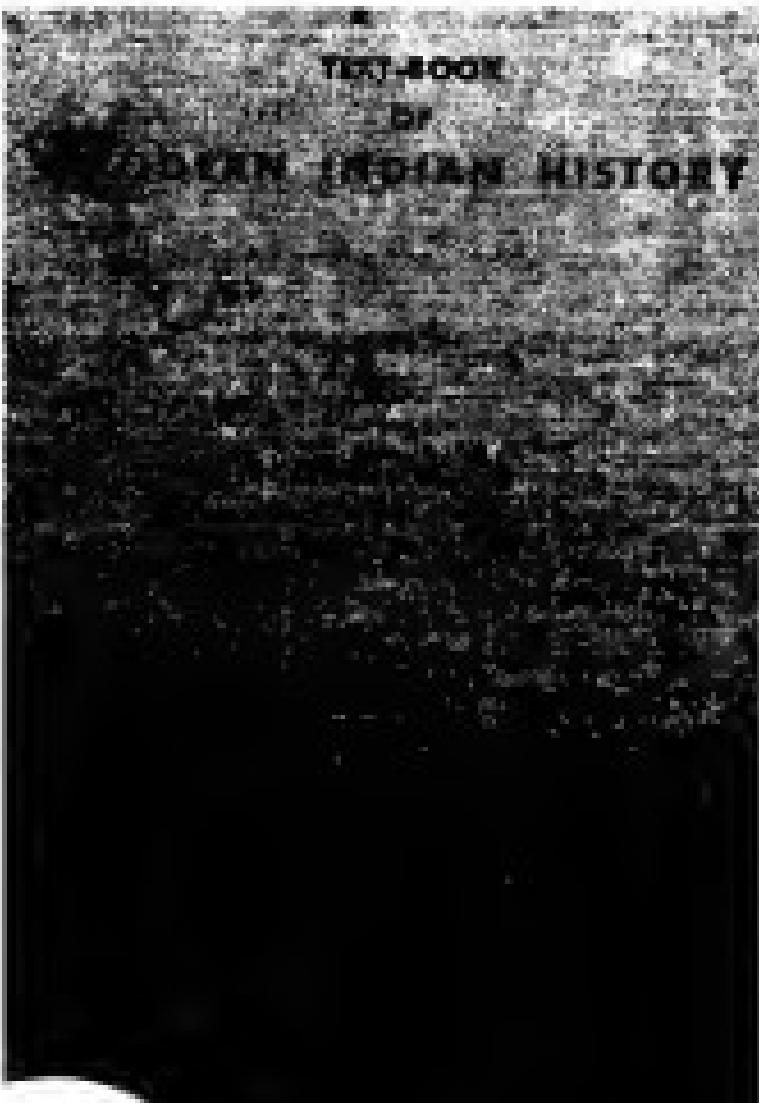


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- TEXTBOOK OF -
- MODERN - .
INDIAN HISTORY
SAROJINI and DUTTA.

TEXT-BOOK
OF
MODERN INDIAN HISTORY

(From 1526 to the Present Day)

Vol. III—Part II

S. C. SARKAR, M.A., D.Phil. (Oxon), Dip. Ed. (Oxon.)

*Head of the Department of History and Professor of
Indian History, Petone College*

AND

K. K. DATTA, M.A., Ph.D. (Cal.).

*Practiced Physician, Major Medical, Griffith University,
Lecturer in History, Petone College*

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PREFACE

From the standpoint of the amateur present-day college textbooks of Indian History are not very helpful, even when they are written by scholars of repute. Amongst their defects that can be remedied without much difficulty are (i) inadequate documentation or reference to original sources or other authorities for statements made; (ii) persistence in the same old plan of "factual" chronological presentation of material, e.g., maps by reigns; (iii) neglect of critical historical judgment and repetition of discarded theories and notions of the "harmless" of history. Returns of school textbooks may in India have been off and begun, but college textbooks are still on their 'Achchhlyayaram'.

I have attempted in my humble way to draw up a college textbook of Indian History comparatively free from the three defects mentioned above, and in this task my previous acquaintance with the business of training History teachers in high schools as well as the present one with that of training Research scholars in History, has been of some use, for the principles and methods of college teaching and learning, though distinct from those for high schools, are yet the natural sequel and development of them.

Apart from drawing attention to the sources of each important statement in the book, arranging the facts topically wherever suitable, and introducing fresh perspectives, suggestive criticisms and judgments of evidence, the usefulness of the book has been sought to be improved by a bibliography both for junior and advanced students by illustrative maps selected in a somewhat fresh plan, and by comparative time-charts. The book will appear in two volumes and in several parts.

PREFACE

In comparison with the University courses of study in other histories than in Indian History is decidedly weaker to India — a serious weakness in our system of education. The standard of attainment in the cultural history at the different examinations should be very much higher than in any other branch of the subject. No modern advanced European or American country fails to emphasize this point; whereas in India, the Indians know not themselves. We have kept this defective notion of standard in view in preparing this textbook for undergraduates; we leave it to the several universities of our country to judge for what class of undergraduates, junior or senior, in our view the book indicates the junior undergraduate standard.

In the work of preparation of this book my former Research student and present colleague Mr. K. K. Datta, M.A., P.R.S., has been in every sense a full collaborator, and more than that as far as the specific work is concerned. Another Research student of mine, Mr. J. N. Sarker, M.A., who has also just become a colleague, and a post-graduate scholar of my department, Mr. J. C. Sarker, B.A. (Hon.),¹ both the top men in History in their year, have helped me by looking through the typescript and the proofs, and by occasional suggestions.

While the Third Part of Volume I and the First Part of Volume II were being written and sent to the Press, I had the very great advantage of the advice and suggestions of Sir Jadavpur Sarker on many points, for which I shall always remain grateful.

I am conscious of a gap left in the plan of the last part of the book: the aspect of economic history from 1919 to 1931 has not been dealt with. This has been due to a number of reasons and circumstances into all of which I need not enter here, but I may mention that recent economic history of India

¹ Sarker has now passed away prematurely in the reign of our all—S.C.I.

is perhaps a little too much of a specialised study for inclusion in a general text-book of history of the undergraduate standard, and that even if it is deemed suitable for such inclusion, our committee will not be a hindrance to students, as there are a number of readable books on Indian Economic and Economic History in the market,—though their historical and critical side is capable of improvement. I hope however that it will be possible to remove this defect in the plan of the last part in the next edition.

HAROLD DURRANT,

PATNA COURSES, P.U.

May, 1934.

S. C. SARKAR.

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Text-Book of Modern Indian History

Vol. II: Part II

CHAPTER I

INDO-BRITISH INTERNAL ADMINISTRATION (From 1761)

SECTION I

REVENUE ADMINISTRATION

The reforms of Warren Hastings could not provide any satisfactory settlement of the revenue system. The system of bidding renties to the highest bidders for a short term produced various evils. Having no permanent interest in the soil, the new leaseholders tried to assess out of the cultivators as much as they could within the specified time, and thus committed various oppressions on them. This affected agriculture and diminished the value of the land, the area under cultivation, and the field. The Government had to depend mainly on the land revenue, but the irresponsible speculators who, out of temptation, often made high bids could not make good their tenures at the time of payment. Lord Cornwallis wrote to the Government in England: "I am sorry to be obliged to say that agriculture and internal commerce here, for many years, seem gradually declining, and that at present, excepting the last of dhoops and banyans who reside almost entirely in great towns, the inhabitants of these provinces are advancing hardly to a general state of poverty and wretchedness".¹

The adjustment of the land revenue had, of course, proved to be a difficult affair since 1765. Pitt's India Act of

¹ Quoted in Mill, Op. cit., Vol. V, p. 472.

1784 directed that the Court of Directors shall forthwith "give orders to the several Governments and Proprietaries in India, for effectually enquiring, in such a manner as shall be consonant with justice and the laws and customs of the country, all losses and wrongs which the raja, zamindar, and other native landholders may have sustained, and for the settling upon principles of moderation and justice, according to the laws and customs of India, the pecuniary rules by which their tributes, rents and services shall be in future rendered and paid to the Company". Two years later, on 12th April, 1786, the Court of Directors wrote to Cornwallis for giving advice to what it termed "the true spot" and "the humane intentions of the Act". The Court recommended a settlement with the zamindars, at first for ten years, to be made permanent if it proved satisfactory. Regarding the amount of assessment, the Directors were of opinion that the information already obtained might be sufficient to enable their government in Bengal to fix it, without having recourse to minute local inquiries; and they suggested "the average of former years' collections to be the guide in the present estimation".¹ Thus the Permanent Settlement was "no product of any preconception of Lord Cornwallis in favour of the landlord system of England".

Cornwallis did not, however, proceed haphazardly to effect "as important a step as the creation of a settlement of land revenue, for a period of ten years, with a view to perpetuity constituting as it did the principal financial resource of government".² He consulted the annual statements of the revenues by the collectors during the years 1787 and 1788, while John Shore (afterwards Sir John Shore and Lord Teignmouth) an experienced member of the Bengal administration since 1749, engaged himself in making inquiries into the question of villages, houses and rents. On 18th June, 1789 Shore issued his famous Minute regarding the permanent settlement of the lands

¹ Fifth Report.

² Ibid.

in the Bengal Province, wherein he held that the settlement was "to be made for a period of ten years *at least*, but with a view to permanency."¹ Cornwallis gave his reply in a Minute dated 16th September, 1790, wherein he affirmed that the Court of Directors would never have held out "the flattering hopes of a permanent settlement, which alone, in my judgment can make the country flourish, and ensure happiness to the body of inhabitants, unless they had been predetermined to sacrifice the property, if they found that their servants here had not failed in their duty, or betrayed the important trust that had been reposed in them."² In another Minute of 21st December, 1790, Shore again expressed his opinion against giving any definite undertaking to make the settlement permanent. Cornwallis put in a strong reply in his Minute dated 3rd February, 1791, which he concluded by recommending that "the Board of Revenue be directed to notify to the landholders that the settlement, if approved by the Court of Directors, will become permanent, and no alteration take place at the expiration of the ten years."³ Rules for the Decennial Settlement of Bengal were issued on 10th February, 1791, but it was not until November, 1791, that a complete code of regulations for it was promulgated by the Bengal Government.⁴ When the question of permanent settlement came up before the Court of Directors, some members objected to it, but the majority was strongly supported by Dundas, the President of the Board of Control, and by Pitt, the Prime Minister, and the Court of Directors finally decided in its favour.⁵ They sent their orders to Bengal through their letter dated 16th September, 1792, on the basis

¹ R. C. Duley, *India Under Early Bengal Rule*, pp. 262-3.

² *Parrot, Cornwallis*, Vol. II, p. 12-3.

³ *Ibid.*, p. 113.

⁴ Land revenue raised in 1791 from Bengal and Bihar together with Bihar amounted to 3,02,34,563 rupees. *M.R. Op. cit.*, Vol. V, p. 493.

⁵ Full letter of Dundas to Lord Cornwallis dated 16th September, 1792 quoted in *Parrot, Cornwallis*, Vol. I, p. 224.

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of which a proclamation was issued on 22nd March 1793 which declared the communal settlement of Bengal and Bihar to be permanent.¹¹

Written on Indian History and Economics have passed diametrically opposite opinions on the merits and demerits of the Permanent Settlement.¹² According to Macpherson, "it was a bold, brave and wise measure. Under the great influence of the territorial charter which for the first time created indefeasible rights and interest in the soil, population has increased, cultivation has expanded, and a gradual improvement has become visible in the habits and conduct of the people."¹³ The Fifth Report, after pointing out certain defects in the revenue administration after the Permanent Settlement, holds that "the measure was a success and that the Government had taken every step in its power to remove the many defects, which are not infrequent in all important legislation of a revolutionary nature." On the other hand, Holmes has written that "the Permanent Settlement was a sad blunder. . . . The inferior tenantry derived from it no benefit whatever. The Zamindars again and again failed to pay their rent charges, and their estates were sold for the benefit of the Government."¹⁴ Mill has also used strong strictures against the settlement,¹⁵ and Thopraon has suggested that the "permanent settlement of Lord Cornwallis was concluded under the influence of an extraordinary degree of ignorance. Little was known of the tenure by which the lands were held; little of the various rights connected with them; little of their value or possibility of improvement. The effects were in many cases such as might have reasonably been expected, though widely different from those which Lord Cornwallis contemplated."¹⁶

¹¹ For terms of the proclamation, see *Hist.*, p. 25 and *Fifth Report* cited by Flomberg, Vol. I, pp. 25-26.

¹² For details, see *Thomson*, *Op. cit.* Vol. II, pp. 323-32. *See also* *History of India* (1911), Vol. II, p. 15.

¹³ *History of the Indian Empire*, p. 11.

¹⁴ *Op. cit.* Vol. V, pp. 307-12.

¹⁵ *Op. cit.* Vol. II, p. 252.

One has to admit that the latter view is nearer the truth and that the Permanent Settlement was not an unmixed blessing. It is of course true¹⁰ that the zemindars ultimately gave away of taxes to the Zamindars (a class hitherto in a state of continuous flux and change in composition) so long as they paid the fixed dues to the state, and that most members of this class (not all) have also done much for the moral and material improvement of the province. But the Permanent Settlement by recognizing the proprietary rights of the Zamindars in the lands introduced new "rights hitherto unknown and unenjoyed in that country"¹¹. The Zamindars or the Tahsildars had been formerly mere revenue factors, who paid to the government one-tenth of the whole collection and took the rest in remuneration. They had never any proprietary or even really hereditary rights in the soil, but during the decay of Mughal central authority they had considerably increased their power¹² and stability—which, however, again became seriously affected by the land-revenue administration and policies under the Bengal Nawabs and their successors the East India Company (Blench Quilt in Hastings). As Mr. Roberts has recorded, the "Zamindari system which was originally a hereditary contract agency for the collection of revenue became something resembling a landed state". But Cornwallis recognized these contractors and agents as "lords of the soil" and "owners of the land," and his measure was intended to improve the status of the Zamindars.

¹⁰ White, about two decades after the creation of Bengal gradually removed in several cases of squatters after the eastern rebellion, usurpation and alienation of the same half of the eighteenth century (in the case of the Permanent Settlement majority claimed that most part of the cultivable land of Bengal was abandoned), so that though at first the zamindars found it difficult to pay according to the new rates of rents (most obviously those profits from land given as to be so much in excess of the state demand that they did not take the required interest in agricultural development, and gradually became chronic landlords).

¹¹ *Fifth Report,*

¹² Robin Russell, *Land Systems of British India*, Vol. I, pp. 283-4.

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according to the contemporary British conception of the landed aristocracy.

Strangely enough, the generous efforts of the Permanent Settlement upon the Zamindars were disastrous. The revenues, though predominantly fixed, were not at that stage very high,¹¹ and many of the Zamindars being unable to pay the stipulated revenue were deprived of their properties by the sale laws, ordinarily spoken of as the "Sunset law."¹² The rigours of the sale laws¹³ "gave the last blow to the old aristocracy of Bengal,"¹⁴ that is, to the remnants of it.

The rights and interests of the ryots were ignored. Firstly, they had to sacrifice their proprietary rights, and secondly, nothing was done to safeguard their customary rights but they were left entirely at the mercy of the landlords.¹⁵ Rightly did Sir Charles Metcalfe remark: "We destroyed all the existing property in land, by creating a class of proprietors to whom we suddenly made over the property of others."¹⁶ "A very great blunder as well as gross injustice was committed," writes Mr. Beveridge, "when a settlement was made with the Zamindars alone, and rights of property every whit as good as theirs were completely ignored."¹⁷ Sir Edward Colchester, an advocate for some sort of peasant settlement, remarked in a minute recorded in the Bengal Constitutions, July 1820: "The errors of the Permanent Settlement were twofold: first, in the sacrifice of what may be denominated the geometry, by merging all village rights, whether of property or of occupancy in the el-

¹¹ Ibid., p. 226. (With note 11 also.)

¹² Ibid.

¹³ "At first the Estates were sold out in the districts in which they belonged but in Calcutta at the office of the Board of Revenue." J. C. Scott, *Revenue Roads of Bengal*, p. 272.

¹⁴ Ibid.

¹⁵ Effects of Land Settlement on the Revenue Appendix to the Report of the House of Commons, 1870.

¹⁶ Calcutta Press, August 1829.

¹⁷ Comprehensive History of India, Vol. II, p. 434.

deceitful recitation of the Zamindar's permanent property in the soil; and secondly, in the sacrifice of the property by an encroaching enactment, which left the Zamindar to make his settlement with them on such terms as he might choose to impose. Government indeed reserved to itself the power of legislating in favour of the tenants, but no such regulation has ever taken place, on the contrary, every subsequent enactment has been founded on the declared object of stamping out the Zamindar's lands.¹⁷ Regulation VII of 1877 empowered the Zamindars to dismiss the property of their tenants for rent without sending notice to any court of Justice. The village record of rights ceased to be kept and the office of the Karmala was abolished throughout Bengal and Bihar. Government hoped that the new landlord would "be known as the 'beneficent' landlord of a 'co-operative tenancy'" was disappointed.¹⁸ The Zamindars, as a class, did nothing for the tenants but rack-rent them, or hand them over to 'patashas' or contractors, who did so still more.¹⁹ The tenants could get protection at the British Courts. But "²⁰the Courts of Justice could proceed only by regular suit on the complaint of the injured party. The poverty of the people, their passive character, and the extreme difficulty of proving by legal evidence before a distant tribunal what was necessary have rendered this protection elusive; the rights of the Bengal ryots have passed away sub silentio, and they have become to all intents and purposes, tenants at will."²¹

It may be mentioned in this connection that later on, for two generations, came, finding rents in the Permanent Settlement, urged for an extension in other provinces. But the question was closed by the Secretary of State's despatch dated 25th March, 1883,—though the late Mr. H. C. Dutt revived the plan for this extension.

In India there have been usually two bases of distinguishing land revenue settlements,—(i) the position of the person or

¹⁷ Quoted in Thornton, *Op. cit.*, Vol. II, p. 220.

¹⁸ Baden-Powell, *Op. cit.*, Vol I, p. 299.

¹⁹ Forrest, *Commodities*, Vol. I, p. 207.

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persons responsible for the payment of the land revenue—(i) the duration of the settlement. On the first basis there have arisen three main types of land tenure—(a) Zemindari: when the revenue is "assessed on an individual or a community owning an estate and occupying a position, identical with or analogous to that of a landlord." (b) Joint village or Mahalwari: where there are "village estates which are held by neither bodies or village communities the members of which are treated as jointly and severally liable for the land revenue." (c) Rergazari: where the actual occupiers and cultivators of smaller holdings pay the revenue directly to the officers of the state.²³ On the second basis the settlements may be (d) permanent: that is, the amount of the share demanded by the State may be fixed for ever (e.g., in Bengal), and (e) temporary: when the State demand is fixed for a short or fairly long definite period and not in perpetuity, the ordinary period being thirty years in Bombay, Madras and the United Provinces and twenty years in the Central Provinces and the Punjab. A Zamindari settlement may not always be permanent nor is it true to say that all Rergazari settlements must be temporary and unstable. The Zamindari settlements in Agra, the Punjab or the Central Provinces, for instance, are not permanent.

With the gradual expansion of the British dominion in India, different systems of land tenure and revenue assessments were established throughout the country according to the varying circumstances in different areas. Bombay in 1793, and some of the northern districts of the Madras Presidency in 1863 were permanently settled.²⁴ But the permanent settlements in these Madras districts became unpopular and were not supported for other parts of the Presidency, and so the Rergazari system was introduced there through the exertions of Sir Thomas Munro—who having been connected with the administration of Southern

²³ Thus, however, do we classify the types of land settlements in India. There are many other varieties in different minor parts of India.

²⁴ See India Under Early British Rule, pp. 129–30. India Record Office, Vol. III, Part I.

India for many years before 1830, was obviously appointed Governor of Madras (1820-1827).¹¹ The modern system in Madras dates from 1833.¹² During the years 1813-1862 the Madras Government made declarations that the Madras ryots could not be ejected by Government so long as they paid the fixed assessment and that "the Government demand on the land is fixed for ever."¹³ But the late Mr R. C. Dutt has pointed out that "these repeated assurances" have been in actual practice "broken and not守ed," and the Madras ryots continued to suffer from the evils of no "uncertain State demands". Lord Ripon (1860-1864) suggested that in districts which had never been surveyed and settled, the land tax should not be enhanced except on the ground of a rise in prices. "This compromise," remarks Mr. Roberts, "would have happily combined the ideal of comparative pauperism with that of a certain incidence, while leaving to the Government an open door for an increase of revenue if there was a general rise in prosperity."¹⁴ But this rule was unfortunately cancelled by the Secretary of State.

The Bombay Presidency has also developed the Ryotwari Settlement. The results of the settlement operations there, which commenced from 1855, were gathered up and formulated as rules for future guidance in what is known as the Joint Report dated 2nd August, 1862, signed by H. E. Collyer, Capt. Wignate, and Capt. Davidson. The Report laid down the following principles of the Bombay settlement: (i) 'it was based on the assessment of each field separately,' (ii) 'it granted

¹¹ Sir Thomas Munro's name is as famous for the land ordinances of Madras as that of Cornwallis for Bengal. Perhaps there never lived a European who more earnestly supported, says his biographer, "with the characteristic boldness, lucidity and conciseness of the master of India, because there never lived a European who at once possessed better apprehension of regarding such knowledge and such better use of them."

¹² Indian Finances, Op. cit., Vol. II, pp. 56-61.

¹³ Dutt, Op. cit., p. 209.

¹⁴ Op. cit., p. 404.

long leases of thirty years," and (3) "it abandoned the basis of factual produce estimates, and substituted the basis of the (potential) value of lands for distributing the assessment."¹⁴ In Oudh, the Talukdars got full proprietary rights. Mahalwari settlements or partnerships with village proprietors were adopted in the North-Western Provinces (Agra, etc.) between the years 1813—1849, and in the Punjab after its annexation. After the formation of the Central Provinces in 1861, the Malguzari system was adopted there, by which the revenue was fixed to the Malguzars or the old revenue collection and payment, and their proprietary rights were also recognized.

Thus, these settlements created, except in Madras and Bombay Presidencies, a class of intermediaries such as the Zamindars, Talukdars, Malguzars, Khoms, Isqamatis, or other tenurial holders, between the State on the one hand and the actual peasants and cultivators on the other. The question of tenurial rights, especially in Bengal, the United Provinces and the Central Provinces, has been a very vexed one. The Government has passed during the last forty-five years various Tenancy Acts,¹⁵ for protecting the interests of the tenants by limiting the demands of the Zamindars and protecting the tenants from venereal evictions. It has been an established rule in Bengal and the Agra Province that "any one who can prove that he has been tilling land in the village for twelve years without a break acquires the status of an occupancy tenant and cannot be evicted as long as he pays the rent." The twelve years' rule is not in force in the Punjab and Oudh, and is applicable to a limited extent in the Central Provinces. But the interests of the tenants in these parts have been safeguarded there in other ways by local Tenancy Acts,¹⁶ e.g., in Oudh, the Raja Act, XIX of 1869, in the Central Provinces, Act XVIII of 1861.

¹⁴ Dutt, *India in the Victorian Age*, p. 42.

¹⁵ Bengal Tenancy Act XI of 1858, VII of 1863, XI of 1866, I of 1882, and the Chittagong Tenancy Act of 1878 are important. *Vol. 3, C. R. R., Land Revenue Administration*, pp. 186-201.

¹⁶ Cambridge History, Vol. VI, pp. 228-30.

and XII of 1898, and in the Punjab, the Treasury Act, XXVII of 1898, XXIX of 1901 and XVII of 1907. The Punjab Land Abolition Act of 1901 was passed to prevent unnecessary and frequent alienation of land from the hands of the old agricultural classes to those of the moneyed and speculating classes.

The terrible distresses and sufferings due to the famine which visited India during the close of the nineteenth century drew attention of some old and experienced officers of the Government to its Land Revenue policy. The late Mr. R. C. Dutta, along with several other retired European members of the Indian Civil Service, prepared in 1903 a memorandum on the subject to the Secretary of State for India.¹⁷ Shortly before the Mr. Dutta had addressed his Open Letter to Lord Curzon and the Government Resolution of 1902 declared by way of reply that the "Legislature has created a strong body of occupancy tenants in Bengal, has secured the security of Oudh against enhancement at over frequent intervals and in levelling-out properties, and has practically given to every tenant in the Central Provinces security of tenure at a fair rent."¹⁸

After the reforms of 1919, land revenue has been made a provincial subject and is one of the main sources of income for the Provincial Government. But it was not made a transferred subject, and the Government of India still retained a large control over its administration. But in recent times there have been movements in different provinces for freeing the land revenue administration from 'executive arbitrariness' and for placing it under the control of the Legislature by special codes like the Bombay Land Revenue Code. The Indian Statutory Committee remarked: "With the considerable widening of the franchise, agricultural interests have assumed the provincial legislatures, and land revenue has excited more interest and criticism than almost any other sphere of administration. Now has the controversy been confined to the areas of legislation

¹⁷ Dutta in the *Eastern Age*, p. 321.

¹⁸ *India's Budget Administration*, pp. 399-400.

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coups. In at least two cases like agrarian disturbances in the United Provinces in 1931 and the Bhande Campaign in Bombay in 1939 opposition to land revenue policy has expressed itself in a form that threatened a complete breakdown of authority.¹³ But no substantial change has yet been made in the system of land revenue administration. It has been however proposed to make it definitely a transferred subject in the forthcoming new constitution of India.

SECTION II

Law and Justice

Though, except in Bombay, the English East India Company established its authorities in other parts of India with the permission of the indigenous rulers, yet they did not become subject to their judicial authority and the current laws of the country. By the Royal Charter Act of Charles II of the year 1661, the Governor and Council of the several places belonging to the Company in the East Indies were given the power "to judge all persons belonging to the said Governor and Company or that should live under them, in all causes, whether civil or criminal, according to the laws of the Kingdom (England) as to assess justice accordingly". In 1726 the Crown of England by Letters Patent established Mayor's Courts at Madras, Bombay, and Calcutta, each consisting of a Mayor and nine Aldermen, seven of whom, with the Mayor, were to be natural born British subjects.¹⁴ At first the Company tried to apply its laws to all Europeans as well as Indians who resided within the Company's areas in the three Presidencies, but by the Charter Act of 1793 all suits and actions between Indians purely were

13. Report, Vol. I, pp. 301-2.

14. Fifth Report cited by Flanagan, *Introduc. Chap. V*. Many original records about the Mayor's Court in Calcutta have been published in Bengal Past and Present.

exempted from the jurisdiction of the Mayor's Courts. In Bengal the Supreme Court of Judicature took the place of the Mayor's Court in 1774; at Madras and Bombay they remained undisturbed till 1797 when they were superseded by Recorder's Courts, which again were replaced by Supreme Courts on the Bengal model established at Madras and Bombay in 1809 and 1823 respectively.

We have already noted the paralysed state of Bengal judicial administration during the period of confusion following the battle of Plassey, and also the judicial reforms of Warren Hastings. Further efforts to reform the judicial system were made by Lord Cornwallis. For convenience of administration he divided the country into districts each of which as a separate unit was placed under the charge of a Collector who was a member of the Company's civil service. He overhauled the machinery of justice and laid the main foundations of the existing system. One of his most important changes in the districts was that he took away from "the Board of Revenue and the Collector all judicial powers, thereby confining their duties and functions to the mere collection of the public dues, and to transfer the cognizance of the causes before tried in these courts to the Courts of Justice."⁴¹ For the administration of civil justice a regular hierarchy of courts was constituted. At the top was the Sadar Dewan Adalat or the Chief Civil Court, consisting of the Governor-General and Members of his Council in Calcutta and assisted by the Kazi-Ul-Kazim or the Chief Kazi of the state, two Mahrus and two Panjais.⁴² It was to "hear appeals and control the excesses of power of the judicial courts." No appeal could be made to this court unless the subject of dispute was valued at Rs. 1,000 or more.⁴³ Below that court were provincial courts, established at the chief cities of Poona, Dacca, Mysore and Calcutta. They were "courts of revision and appeal with relation to causes before

⁴¹ *Front. Cornwallis*, Vol. I, p. 229, *Fifth Report*, pp. 14-15.

⁴² A curious mixture of remnants of Hindu Indian and English law and yet originally compounded into an "Indian State Tribunal."

⁴³ *Thackeray, Op. cit.*, Vol. II, p. 22.

but they were also to a certain extent, courts of primary jurisdiction.⁴¹ Each of these courts was placed under three European judges, all nominated servants of the Company; and three assessors, a Kazi and a Muli for Mahomedan Law and a Pandit for Hindu Law.⁴² The decisions of these courts could be final for suits not exceeding Ru 1000 in value.⁴³ In the next grade were the sets of district courts, established in each of the newly-formed districts and City Courts in "considerable towns or cities" under a British judge, who was to be a servant of the Company higher in rank than a Collector and who was assisted by native assessors. A judge of such a court was "⁴⁴ to have cognizance over all civil causes of all descriptions that may arise in his jurisdiction, whether of the nature of those termed revenue causes, and before used in the Revenue Courts, or of the description of those which have been cognizable in the courts of the *Darwany Adalat*".⁴⁵ All classes of persons within these district or city areas were amenable to the jurisdiction of these courts, except the "European and British subjects" who were under the control of the Supreme Court of Judicature in Calcutta.⁴⁶ The assessors and ministerial business of the courts thus constituted were transacted by captains or more assistants appointed from the junior branch of the European nominated service. At the bottom of the organisation stood the petty courts, i.e. the intiahs of the country presided over by native commissioners, who were authorised to "hear and decide, in the first instance, on suits of personal property not exceeding the value of fifty rupees."⁴⁷ These commissioners were of three descriptions: *straw* or *revenue*, *other* or *arbitration* and *martial*; or native judges.⁴⁸

⁴¹ Ibid., p. 42.

⁴² Fenn, Op. cit., Vol. I, p. 279; Mill, Op. cit., Vol. V, p. 26.

⁴³ Thomas, Op. cit., p. 288.

⁴⁴ Fenn, Op. cit., Vol. I, p. 278.

⁴⁵ Mill, Op. cit., Vol. V, p. 409, Fifth Report, p. 16.

⁴⁶ Fifth Report, p. 22.

They were paid no salary, nor did they get any establishment fee they received as "remuneration a fee of one anna per rupee, or a compensation of somewhat more than one per cent upon all sums litigated before them." Another change of importance in the administration of civil justice was that Cornwallis placed the appointment of mofly, or agents employed in cases, in the hands of the *Sudder Dewan-i Adalat*. This was intended to "introduce a better class of rulers by ensuring the possession of some measure of qualification for the office which they undertake, and by subjecting them to due control."¹¹

A parallel organization of courts was set up for the administration of Criminal Justice with the *Sudder Nazamat Adalat* at Calcutta as the highest Court of Appeal. The judges of the Provincial Courts were made judges of circuit in their respective districts, it was provided that "the senior judge will go on the circuit of one-half of the stations within their jurisdiction, whilst the other two perform the circuit of the remainder."¹² The Deputy Nazam of the old order, Muhammad Rumi Khan, was deprived of his criminal jurisdiction, and the Nazam Adalat was transferred from Mysore to Calcutta. It was to meet at least once a week and was to "take cognizance of all matters relating to the administration of justice in criminal cases, and submit such propositions as may appear to them calculated for the better regulation of the same, for the consideration and sanction of the Governor-General-in-Council."¹³ Besides changing the instruments of justice Cornwallis made a few alterations in the general law administration,¹⁴ and an elaborate Code of Regulations known as the Cornwallis Code of 1793 was published for the guidance of the officers of the new judicial system.¹⁵ Cornwallis held a favourable opinion of the workmen

¹¹ Thomas, *Op. cit.*, Vol. II, p. 342. This may be seen as the beginning of the British Indian legal profession of today.

¹² *Ibid.* *Op. cit.*, Vol. I, p. 20.

¹³ Quoted in Appendix, Cornwallis in Bengal, pp. 28-29.

¹⁴ *Ibid.*, pp. 24-25. Thomas, *Op. cit.*, Vol. II, pp. 360-367.

¹⁵ Appendix, *Op. cit.*, pp. 28-35. See, Cornwallis Correspondence, Vol. II, p. 356.

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of the new Courts of Justice. He declared in February, 1793, that the "most happy effects have already been felt from this system."⁷⁰ "The present system," said one of the then Native Judges, "is not in our opinion to be considered by the natives as a blessing to their country, particularly when compared to the former defective and weak state of the criminal jurisdiction; they are now not only men of speedy justice, but an impartial administration equally to all ranks, and the subject are now as certain of justice as the equal and of no distinction being made in inflicting of punishment when either are proved to be deserving of it."⁷¹ But this was clearly an exaggerated estimate about the working of the new system. It might have removed some abuses of the old order but it "was yet by no means perfect."⁷² Still, a hostile critic, has made violent remarks⁷³ against the system, some of which are, however, justified. Thornton thinks that the "judicial changes could scarcely apprize the evils previously existing, but they had perhaps little effect in abating them."⁷⁴ Justice did not in consequence become cheap and easy, on the other hand, the immediate effects were visible in the multiplication of suits⁷⁵ and in the growth of huge files of pending cases.⁷⁶ The courts were greatly infested with technicalities of procedure calculated both to defeat parties and exhaust the process to it by needless delay and expense.⁷⁷ Experience soon revealed many defects of the new system. "Year after year," writes Thornton, "some change was made in the system established by Lord Cornwallis, experiment succeeded experiment, each tending to confirm a truth of which European observers have so often been forgetful, that it is impossible by a stroke of the pen to change the character of a

⁷⁰ August, Op. cit., p. 78.

⁷¹ Quoted in *Reed*.

⁷² *Ibid.*, p. 77.

⁷³ Op. cit., Vol. V, pp. 183-90.

⁷⁴ Op. cit., Vol. II, p. 547.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.* Op. cit., p. 187; Fifth Report, p. 10.

⁷⁷ *Foxon* Op. cit., Vol. I, p. 289.

people, or to render other useful or popular institutions not founded with due regard to the natural habits and peculiarities.⁷³

Certain changes were indeed introduced within a few years of Cornwallis' departure, before we come to the time of Bentinck which forms another landmark in the history of modern judicial administration. Various regulations were passed between the years 1793-1802 for the limitation and proper establishment of costs, e.g., recompensation of a fee upon registering a suit; and increase in the number of courts. In the time of Wellesley the *Sudder Dawkai* and *Prerogative Adalat* of Calcutta were reorganized; instead of appealing of the *Governor-General-and-Council* they came to be bancasharak composed of three judges selected from among the commanded servants of the Company; they remained thus until merged in the High Court in 1862. In the time of Lord Minto, in 1867, the number of judges in the Sudder Court was raised to four, and in 1871 it was laid down that the number of district judges should be increased as circumstances required. According to the regulations of 1793 the permanent courts used to function when their judges were on circuit. A regulation of 1796 and another of 1797, provided for the unbroken session of these courts even when their judges were not on circuit.

None of the changes, however, did more than palliate the evils of the system. These evils were still formidable when they were submitted to the clear scrutiny of the next few years.⁷⁴ Further changes were therefore introduced during the government-generalship of Lord Hastings. The Indian magistrates and civil courts had their powers in civil justice defined in 1814 and extended in 1821. A regulation of 1814 fixed the procedure in appeal, and various measures were adopted for removing the pressure of work in the higher courts, a separate court was established for the Western Provinces, the number of

⁷³ Cf. *ibid.* Vol. II, p. 168.

⁷⁴ Cambridge History, Vol. V, p. 40.

judges in the Court of Appeal in Calcutta was reduced to five, and the work was systematically divided among the judges. In order to give relief to the lower courts special commissioners were established for administering justice, the number of sub-judges was increased and certain judicial functions were re-transferred to the former authorities. The Collector's position was thus once more changed.

Lord William Bentinck's reforming spirit affected the sphere of judicial administration as well. He abolished the Provincial Courts of Appeal in civil cases, conferred full criminal jurisdiction upon District Civil Judges, newly designated District and Session Judges, and transferred to the Collector the magisterial powers hitherto exercised by the civil judges. This has been regarded as a reactionary measure as it was opposed to the principle of separation of executive and judicial functions. We have seen that Lord Cornwallis had created Courts of Native Commissioners outside the Presidency towns. Lord William Bentinck in 1831 formed a new grade known as Principal Sadar Amirs whose jurisdiction afterwards became unlimited in respect of value. In 1852 these were transferred into Subordinate Judges under the District and Sessions Judges.

It was about this time that we find the beginning of attempts for codification. Herbert's nothing vague name "Regulations" with which the names of Munro in Madras and of Elphinstone in Bombay are associated, had been achieved in this direction. By the Parliamentary Act of 1833 a Law Member was added to the Governor-General's Council and a Law Commission was appointed to sit in Calcutta for preparing a law code and for standardizing judicial procedure. Lord Macaulay took a large part in the labours of this Commission, and a Penal Code was proposed which became law in 1860.¹¹ The laws made since 1833 are known as Acts, not Regulations.¹² In 1853 a new Commission was appointed in England which was followed by

¹¹ See John Stanley, India: An Administration and Progress 1757-1857, p. 14.

¹² P. Mithey, Constitutional Documents, Vol. I, p. viii.

another in 1861, "for the purpose of preparing a body of substantive law for India."¹³ The possibilities and nature of the law were greatly simplified by the passing of the Civil Procedure and the Criminal Procedure Codes, as also by the substantial Penal Code. It is to be noted that the process of simplification of the law has not been carried much further since then; at the present time there is a general public opinion in favour of considerable simplification of procedure and cheapening of justice.¹⁴

Within a few years of the direct assumption of sovereignty by the Crown, an important change was effected in the judicial organisation of India. By the Indian High Courts Act of 1861¹⁵ the Crown of England was empowered by Letters Patent to establish High Courts in Calcutta, Madras and Bombay, in which the Supreme Courts and the Subordinate Courts were merged. Each of these High Courts was "to consist of a chief justice and not more than fifteen judges, of whom not less than one-third including the Chief Justice were to be members of the English Bar and not less than one-third were to be members of the connected Civil Service. All the judges were to be appointed by and to hold office during the pleasure of the Crown. The High Courts were expressly given superintendence over and power to frame rules of practice for, all the courts subject to their appellate jurisdiction."¹⁶ Power was given by the Act to establish subsequently another similar High Court for the North-Western Provinces, and this was done in the year 1866. The Indian High Courts Act of 1865,¹⁷ empowered the Governor-General-in-Council to pass orders altering the limits of the jurisdiction of the several Chartered High Courts and enabling them to exercise their jurisdiction over native and Christian

¹³ *Schlesinger*, Op. cit., p. 10.

¹⁴ E.g., a Bihar Minister created a Scholarship Fund, out of which assistance may be given to law students who can devote years for such judicial reforms.

¹⁵ *Mohammed*, Op. cit., Vol. I, pp. 388-89.

¹⁶ *Dasgupta*, *Historical Introduction*, p. 10.

subjects of Her Majesty resident in Native States."¹¹ Between 1883 and 1897 a generally uniform system was established in each of the ten provinces by the Civil Courts Act. The reorganization of the Criminal Courts has been made uniform throughout the country by the regulations of the Criminal Procedure Code of 1892. The Indian High Courts Act of 1911 caused the maximum number of judges of an Indian High Court to twenty-four power to establish one High Court from time to time as appears may require, and to make consequential changes in the jurisdiction of the court, and made it lawful for the Governor-General-in-Council to appoint from time to time persons to act as additional judges of any High Court for such period not exceeding two years as may be required.¹² On the basis of the powers under this Act High Courts were established at Patna, Lahore and Rangoon.

The inauguration of the proposed Federation has necessitated some changes in the judiciary of our country. Section 220 of the Government of India Act, 1909, provides that there shall be a Federal Court consisting of a Chief Justice and not more than six other judges. They are to be appointed by the Crown and are to hold office till the age of sixty-five. The Federal Court is to have both original and appellate jurisdiction. The Act makes the state of High Court as the existing courts at Calcutta, Bombay, Allahabad, Lahore, Madras, Patna, as well as on the Chief Court or Oudh, the Judicial Commissioner's Courts in the Central Provinces and Berar, the North-West Frontier Province and Sind, and "any other court constituted or reconstituted as a high-court, or any comparable court which may be declared a High Court for purposes of the Act by the Queen in Council." Delhi has become the seat of this new Federal Court, with Sir Maurice Gwyer as the first Chief Justice of India and Sir E. L. Minto as the first Advocate-General of India.

¹¹ Ibid.

¹² *Statutes, Op. cit.*, pp. 404 ff.

Below the High Courts, there are subordinate courts both civil and criminal, with some differences in nomenclature, but in other respects the essentials of the inferior courts in different provinces are almost the same. In each district there is a District Judge, who has control over all the courts in that district, and his court has the authority to receive appeals from all of them. Below the District Judge there are Subordinate Judges with smaller jurisdiction, and Munsifs (or Subordinate Judges of the second class) stand below them. There are also what are called Small Causes Courts exercising civil jurisdiction in petty cases in the Presidency towns and other places of importance, e.g., at Pernia, Almoraibad, and Surti in the Bombay Presidency. There are also mukts by mukts with the Civil Courts what are known as Revenue Courts, presided over by officers charged with the duty of settling and collecting the land revenue. The Presidency towns have also magistrate districts' courts since 1848. The Madras City Civil Court Act of 1892 established a City Civil Court having power to deal with suits of a value not exceeding Rs. 20,000 "with strictly limited powers of enforcement of property or execution of decrees."

For the administration of criminal justice, a province is divided into sessions divisions each of which is usually equal to the area of a district and has a Court of Sessions presided over by a Sessions Judge who is generally the District Judge himself exercising his criminal jurisdiction and who may be assisted by additional, joint or assistant Sessions Judges. The Sessions Courts can try all criminal cases committed to them by magisterial courts and can inflict any punishment authorized by law, subject to the confirmation of the High Courts in cases of capital sentences. Below the Sessions Courts are courts of cognizance of three classes. A first class Magistrate's Court can fine up to Rs. 1,000 and can pass a sentence of two years' rigorous imprisonment, a second class Magistrate's Court can pass a sentence of six months' rigorous imprisonment and of a fine up to Rs. 200; a third class Magistrate's Court can inflict a fine up to Rs. 50 and rigorous imprisonment for a month.

There are Presidency Magistrates in Presidency towns and in big cities, City Magistrates to try criminal cases and to commit the more important ones to the Sessions or to the High Court. Honorary Magistrates and Justices of the Peace are also sometimes appointed in big towns.

Trial by Jury is one of the important principles gradually secured by the people of England. In pursuance of the principles of English Law, in India also criminal cases, of certain crimes and in certain areas, are tried with the help of juries or assessors. In trials before High Courts the jury consists of nine persons, and in those before a Court of Sessions, there are juries of assessors of an uneven number prescribed by the local government who swear and give advice but whose opinions are not binding on the judges, cases of disagreement being referred to High Courts. Appeals are allowed both in civil and criminal cases firstly, from a subordinate court to the next higher court secondly, to a High Court, and, lastly, under certain circumstances to the Privy Council in London, not on points of fact but on points of law, with the permission of the High Court.

Racial distinction in the administration of criminal justice has been one of the most burning topics in the modern history of India. Until 1864 "European British subjects"¹³ were in civil and criminal matters under the control of the Supreme Courts alone. But by Act XI of 1864, commonly known as Macaulay's Black Act, they were brought under the jurisdiction of the Company's civil courts and thus distinctions of race were abolished in the civil courts throughout India.¹⁴ But so far as

¹³ The Code of Criminal Procedure defined a "European British subject" thus—"(b) Any subject of His Majesty born or naturalised or descended in the United Kingdom of Great Britain and Ireland or in any of the Provinces, African, Australian Colonies or possessions of His Majesty or in the colony of New Zealand or in the colony of Cape of Good Hope in South Africa; (c) Any child or grandchild of such person by legitimate descent."

¹⁴ Macaulay, Op. cit., pp. 108-09; Tawdhar, Life and Letters of Macaulay, Chap. II, pp. 387-88.

the administration of criminal justice was confined the European British subjects could be tried only by European magistrates and judges. This was at once an injustice and a discrimination; and it was thus that the Indian plenipotentiaries of their representatives on the spot escaped from proper punishment. In 1854 Lord Ripon's Government sought to remove this discrimination by investing Indian magistrates and judges with the power of trying European British subjects. Mr. (afterwards Sir) C. P. Deo¹¹ presented a Bill to this effect, but it encountered a storm of opposition from the members of the European community before which the Government had to bow. The result was a compromise which practically meant a "virtual though not avowed abandonment of the measure proposed by the Government."¹² Act III of 1854 laid down that European subjects might be tried by District Magistrates or Sessions Judges whether European or Indian, but they could in every case, however trivial, claim to be tried by a jury of which not less than half the number shall be Europeans or Americans. As the Indians could make no such claim, the Act did not diminish "the privilege of European British subjects charged with offences, and it left their position as exceptional as before."¹³ Eminent Indians like Mr. Kanta Das Pal Syed Aman Ali, and Raja Shiva Prasad pointed out in course of their debates that this would result in nothing but a failure of justice. Sir John Stachey remarked in 1903, "It may be feared that the result of all this has been that we never know in a distant future the hope that the Government of India will be able to place the law regarding jurisdiction over European British subjects on a satisfactory footing."¹⁴

The attention of the reformed Central Legislature was drawn towards this question in 1921 and the Government of India appointed the Racial Distinctions Committee to enquire

¹¹ *History.* Dr. M., p. 102.

¹² *Ibid.*

¹³ *Ibid.*, p. 104.

over the whole matter. The Convention recommended the removal of some of these distinctions. The Act which embodied its proposals, "with some modifications," gives all first class magistrate power to try European British subjects. All restrictions regarding the jurisdiction over trials of Additional and Assistant Sessions Judges, are abolished. Indians and Europeans are placed on a footing of equality in the matter of trial by jury, and a similar measure of equality is allowed in the exercise of the right of appeal.⁷¹ But the privilege of being tried by a European jury may still be claimed.

The proper articulation of governmental powers through the three wings of a state, the Executive, the Legislature and the Judiciary is an essential condition for civil liberty. No fair justice is possible if the Judiciary is subject to interference from the Executive or if the executive and judicial powers are combined in the same hands. In India, however, some officers like the Collector-Magistrate of District or Deputy Commissioners combine the two functions; they collect the revenue, control the police, institute prosecutions, and at the same time, exercise large judicial powers. Public opinion in India as well as some British officials and high judicial authorities have raised their voice against this anomaly; so defects were duly pointed out in a memorandum submitted to the Secretary of State for India in 1899 by such eminent persons as Lord Hotham, Sir Richard Gurney, Sir Charles Sargent and seven others. But various arguments have been advanced from the other side and no sufficient steps have yet been taken to effect this separation completely, which is indispensable for civil liberty.

In recent years the normal judicial procedure and administration has been modified to meet the exigencies of the present abnormal civil life of India, characterised by passive resistance to law and by acts of political violence or terrorism. Criminal law and procedure has been amended, the Governor-General's instructions to meet the new situation have been made into

Legislative Acts, and special courts and powers have been created to deal with new and peculiar offences.

SOLUTION III

POLICE AND PRISON REFORM

Law and order are the two most essential elements of a happy civic life. During the period of confusion in the latter half of the eighteenth century, like every other branch of administration the indigenous police system consisting of village watch and ward for the *panchayats*¹³ and *Kotwalis* for the large towns¹⁴ had become paralysed. While the nominal native rulers corrupt and inefficient executive gradually dropped in policing territories, the zamindars, who were the deputies of the State in the matter of maintaining order within their manorialia, did not also discharge their responsibility;¹⁵ on the other hand, these pykes and bands of followers, like the retainers of the feudal barons of Europe in later medieval periods, oppressed the people, sometimes even by joining with the robbers and bandits.¹⁶

For administrative as well as commercial considerations, the East India Company's officers tried to re-establish law and order in the land. Warren Hastings tried a new state police system consisting of the *juddhas* and *tharidars*, but it proved unsatisfactory and was abolished in 1781. Thus the police duties remained practically in the hands of the Zamindars, who

¹³ D. J. McVade's *Notes on the Village Watch in the Lower Province of Bengal*. Calcutta, 1882.

¹⁴ For functions of the *Kotwals*, see Sir J. N. Rodin's *Bengal Administration*, we find also discussions in Bengal Literature of anti-slavery society such as Rammohan's *Vaidikadarin*, pp. 27-34 & C. J. Bhattacharya's *Amrajanmishtha*, pp. 26-47. *Parivrajika Sankhyanikita*, pp. 48-49.

¹⁵ Bengal Revenue Committee, 28th June, 1782.

¹⁶ Aspinwall, *Crimes in Bengal*, p. 107.

" resuscitated the authority vested to them as officers of police."²³ Lord Cawnpore took many measures to reform the police system in Calcutta²⁴ as well as in the interior. He introduced a new system by the Police Regulations of 7th December, 1852 embodied in the Code of May, 1853. The Zamindars were compelled to disband their pyles or armed constabulary, and a police force was established in each thana under a Strength Superintendent, who was to be responsible for the same under the control of the District Magistrate and was to receive a commission of ten per cent on the value of all stolen property recovered by him and ten rupees from the Government on the conviction of every dacoit or gang robber.²⁵ The cost of maintaining the police, amounting to Rs. 3,19,440,²⁶ was to be met by a small tax on the warehouses and shops in the chief towns and markets.²⁷

The system established by Cawnpore²⁸ proved to be an expensive failure,²⁹ and could not ensure order and peace. When one thana with fifteen to twenty constables was expected to look after an area of five hundred square miles,³⁰ dacoits and dandals could not be effectively dealt with, and in fact increased. The Fifth Report has noted that the charges of the new system were "not less corrupt than the zamindars, their predecessors, and they themselves and the inferior officers acting under them, with as much inclination to do evil, have less ability to do good than the zamindary servants employed before them."³¹ An attempt was made in Bengal by Regula-

²³ J. C. Beale, *Historical Sketch of Bengal*, p. 282.

²⁴ Appendix, Op. cit., p. 244.

²⁵ Fifth Report, Vol. I, p. 79. It is well known how soon above a century after the old system in villages became of no protection of higher authorities and poorer than that of the dacoits, and their thuggery took the form "child for a dacoit."

²⁶ Appendix, Op. cit., p. 113.

²⁷ Imperial Gazetteer, Vol. IV, p. 286.

²⁸ Fifth Report, Vol. I, p. 238.

²⁹ Ibid.

law XII of the year 1807 to restore the police functions of the zamindars who were asked to act as *agents or commissioners of police*¹². But owing to the general dissolution of the old order of things the scheme of 1807 did not meet with great success. According to the order of the Court of Directors issued in 1814, the establishment of districts and their subdivisions was abolished in all other portions of the Company (Madras, 1814; Bombay, 1827) except in Bengal, and there the despised indigenous system of the village watchmen was suffered to continue.

In 1828 a Superintendent of Police with criminal jurisdiction was appointed for Calcutta, his jurisdiction, up to 1829, extending over a large part of the surrounding country. He was to work with *gazis* or agents who were to trace out the criminals and prisoners or offenders who were to apprehend them. This measure had some early success but soon the *gazis* in concert with the *police* actually committed "depredations on the peaceable inhabitants, of the same nature as those practised by the dacoits whom they were employed to suppress."¹³ The spirit of lawlessness had continued to be fed for several decades by unemployment and the inefficiency and corruption of the *establishments of order* went on increasing. The principal defects of the existing system were that the police force was "imperfectly organised," and the Magistrate-Collector, who was also the head of the Police, became overburdened with duties. Though Committees were appointed to make inquiries yet no definite steps were taken for many years. It was first in the Presidency towns that the duties of the Magistrate and the Police Superintendent were separated. In the countryside, Sir Charles Napier in 1843 made an attempt at improvement in Sindh, by drawing up a plan on the model of the Irish Constabulary, the "main characteristics of which were separate organisation, severance of police and judicial functions

¹² *Ind. S. 1807*

¹³ *Ind. S. 1829*

and a reasonable share of discipline." The system was copied in Bombay in 1856, in the Punjab after the Mutiny and in Madras in 1858.

In 1860 the Government of India appointed a Commission to inquire into the whole subject of police administration. It recommended the "establishment of a well-organized and purely civil constabulary, supervised by European officers, and capable of carrying out all ordinary civil duties, including the protection of guards and marts. The village police should be retained on their existing footing, being brought, however, into closer relationship with the General Constabulary." These recommendations were embodied in the Police Act of 1861. The provisions of the Act were followed in organizing the Police system in different parts of India excepting Bombay, where under the local District Police Act, the District Superintendent and his staff were placed under the control of the District Magistrate. Beside this general organization there had also grown a special department for the suppression of Thugs (1856), which was also entrusted with the function of suppressing dacoits in 1869. This branch was abolished in 1864, when under the recommendation of the Police Commission of 1862, a new branch known as the Criminal Investigation Department (C.I.D.) was created. For many years the officers in the Indian Police Service were recruited from the commissioned ranks of the Native Army, and were afterwards appointed by nomination alone. The system of appointment by open competition was introduced in England and in India in 1873.

But in spite of all these, the police system remained bungy-backed with abuses, chiefly because the responsibility for law and order was entrusted to rather untrained and uneducated and consequently irresponsible, people and officers, who "have been allowed from various causes to get out of acquaintance and sympathy with the people and out of touch even with their subordinates." The Government of India, with the approval

of the Secretary of State, appointed a Commission in 1902 to enquire into the state of police administration. The recommendations of the Commission covered different branches of the subject, and many of these have been given effect to in almost all the provinces, resulting in the improvement of pay and prospects of the police officers and in the growth of their numbers. But the system requires more wholesome reforms: to make it more efficient and conducive to the real interests of the people, the officers and their subordinates should be better trained and more educated, with "efficiency and literacy the police force" is naturally subjected to a great hindrance in the discharge of its duties.¹¹¹ The controlling system should be also more lenient in order to create a spirit of trust and cooperation between the public and the police. "The straight road," remarks Mr. Rushbrook-Williams, "towards winning an increased measure of public appreciation would seem to be in so raising the morale and the intelligence of the force that its members may be treated in all circumstances to use their authority with discretion."¹¹² In recent years there has been a growth of literacy among the police constables, largely owing to unemployment among semi-educated middle classes. Between 1920 and 1929 the percentage of literate constables grew from 27 to 48 per cent, and in 1929, for the first time in history, more than half the constables, viz., about 57 per cent, were literate.¹¹³

Under the existing police organisation in India the administrative head of the police in each province is the Inspector-General, who has under him a number of Deputy Inspector-Generals, one for each division or circle. Each district police force is under a Superintendent of Police, who is a member of the Indian Police Service. Every district is divided into several charges or beats, each under an Inspector of Police.

¹¹¹ India in 1929-30, p. 30.

¹¹² Ibid., p. 32.

¹¹³ India in 1929-30, p. 306.

assisted by Sub-Inspectors and Constables. The institution of the village watchmen has survived almost everywhere throughout India.

JAILS

"The early Indian jail system was like its English prototype, summary, decimating and non-deterrent."¹²² The earliest attempt towards reform was inaugurated at the instigation of Lord Macaulay during the years 1836-38; the Report of the First Prison Committee submitted to the Government of India in 1838 did not recommend any very advanced methods. The two other Committees of 1854 and 1867 were both intractable. In 1867 the Government of India appointed a Committee consisting of two officers whose report dealt with prison administration in all aspects. Its work was supplemented by a conference of experts on the subject of prison reform in 1882. A General Prisons Act was then passed in 1894 for British India, and rules were issued under it by the Government of India and the Local Governments, according to which the jail administration in India has since been regulated.

The punishments authorized by the Indian Penal Code for convicted offenders include transportation, penal servitude, rigorous imprisonment and simple imprisonment. Civil and criminal prisoners are also accommodated in jails. The jails are of three kinds: (1) Central, (2) District, and (3) Subsidiary. In each province the Jail Department is under the control of an Inspector-General of Prisons, who is generally a member of the Indian Medical Service, and the Central Jails are under Superintendents, also drawn from the same ranks and assisted by deputy superintendents in large Central jails and by subordinate medical officers. District jails remain under the charge of the district civil surgeon. The executive officers are jailors, deputy and assistant jailors, and warders. The reformatory

schools for juvenile convicts have been administered since 1899 by the Education Department.

Since the introduction of the Reforms in 1921, the "management of the Indian Prisons falls within the sphere of provincial governments. It is, however, subject to all-India legislation." The advisability of having general principles governing the treatment of criminals led to the appointment of a Jails Committee in 1949. Besides other recommendations, this Committee laid stress upon the "reformative side of the prison work." It emphasized the "necessity of supervising and increasing existing jail accommodations; of recruiting a better class of warders; of providing education for prisoners; and of developing prison industries so as to meet the needs of the concerned Department of Government."¹⁷ Attempts have been made to give effect to these recommendations in the different provinces, but these have been greatly hampered by financial exigency. According to the Committee's recommendation, the abandonment of Port Blair as a penal settlement has been considered by the Government of India since 1921. It was finally decided in 1926 that "henceforth only those convicts should normally be sent to the Andamans who volunteered to come, that the old restrictions on life in the settlement should be totally relaxed, that the convicts should be encouraged to settle on the land, that in certain conditions they should be entitled to release, to obtain occupancy rights over the land which they had cultivated, and that the separation of wives and families should be encouraged."

SECTION IV

DIVISION: DISTRICT AND VILLAGE ADMINISTRATION

A district is the principal unit of administration in British India. Though there are differences in the details of district

¹⁷ *Jails in India*, p. 90.

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organisation,¹¹¹ the general principles on which the administrative system is based are much the same everywhere. There are now 271 districts in British India, each has its separate organisation and is divided into smaller units called subdivisions. The average area of a district is 4,430 square miles, and the average population about 2,00,000, but in some districts the area varies from 100 to two thousand square miles and the population from one to three millions.

Each district is placed in charge of an officer called Collector-Magistrate or simply Collector, or Deputy Commissioner in Non-Regulation areas. As his title implies, this officer has triple functions. As a Collector he is the principal revenue officer of the district and as a Magistrate he supervises the criminal courts (the civil courts in some non-regulated areas) and the police work, and also maintains peace and order in the district area. As a first class Magistrate he can inflict two years' imprisonment and fine up to 1,000 rupees. The Collector's supervision is 'so close but, as well established, and so thoroughly understood that it immediately discharges an unscrupulous member of other districts with ease and efficiency. Registration, alienation and partition of holdings, management of indebted estates, loans to agriculturists, settlement of disputes, and above all famine relief, are all matters which are dealt with by this agency.'¹¹² An Indian Collector, remarks Sir William Hunter, 'is a strongly individualised worker in every department of rural welfare, with a large measure of local independence of individual initiative.'¹¹³ The efficiency of administration in a district depends much on the strength of his personality. Sir W. Hunter says that he is 'the representative of a general

¹¹¹ For details about administration of the different districts, see Cambridge History, Vol. VI, specially Chaps. II and XIII; Statistical Chaps. IV and XV; Political Chaps. III and XIV; R.P.C.B., and the Prayag Chaps. V and XVI.

¹¹² Sir W. Hunter, *The Indian Empire*, p. 103.

and not a constitutional government.¹¹⁴ Police, roads, education, municipalities, roads, canals, dispensaries, the local taxation, and the imperial revenues of his district are to him matters of daily concern. He is expected to make himself acquainted with every phase of the social life of the nation, and with such natural aspect of the country. He should be a lawyer, an accountant, and financier, and a ready writer of state papers. He ought also to possess no mean knowledge of agriculture, political economy and engineering.¹¹⁵

The Collector-Magistrates are assisted in all their multifarious work by members of the Provincial Executive Service (junior and junior branch), who have to possess and develop similar qualifications. These officers train up the fresh recruits to the I.C.S., who in turn become their superior controlling officers. The success of a district administration depends as much on the personality of the I.C.S. district officer as upon the service and assistance he can get from these able and hard-worked officers. In recent times many of them have themselves been selected to manage districts and even divisions. The functions of the officers in charge of sub-districts of the districts vary in different provinces. Except in Bengal (and Assam and S. & O.), there are smaller sub-district units styled talukas and tahsils administered by Tahsildars, or Mandalikas as they are called in Bombay proper, and Mukhyamuktas in Sind.¹¹⁶

A Collector's headquarters is situated ordinarily in the chief town of the district, where various other specialized departments such as, the establishments for irrigation, roads and buildings, agriculture, industries, fisheries, cooperative

¹¹⁴ Since the Reforms of 1937 the character of the District administration is slowly being changed from the paternal to the constitutional type with however some vestiges left of arbitrary during the transition. The District Officer considers his duty to live in accordance with the advice and opinion of various public bodies or certain offices, and areas of his jurisdiction are now made over to public bodies.

¹¹⁵ *Ibid.*, Chapter on similar description in M. C. Report, page 222.

¹¹⁶ *Kala Op. cit.* p. 259.

credit and medical relief also function. These are "controlled not by the district officer but by their own departmental heads; they may be regarded as a different set of strings connecting the Government with the people. But in varying degrees the district officer influences the policy in all these matters, and he is always there in the background to lead his people, or if need be, to mediate between a specialised service and the people."¹¹² Till recently he used to preside over the District Boards, and thus administer matters like rural education, dispensaries, sanitation, country roads, bridges, water-supply drainage, fire-giving, veterinary work, ponds, Panchayat unions and the like. In short, even after the Reforms of 1919, "on every one of the innumerable matters which may require the orders, assistance, advice or intercession of Government it is to the District Officer that the non-official President, as member of a local body, the Commissioner or Minister as well as the ordinary citizen, will look."¹¹³

At the bottom of the system of district administration lies the Indian village—an old institution, which has in a way survived the changes of many centuries in many parts of the country, and is now being adjusted to the changed conditions of these times. Mr. Elphinstone in his "Report on the territories conquered from the Peshwas" submitted to the Governor-General in 1819 stated that the most striking feature of the Deccan was its division into villages or townships and that these communities contained "in miniature all the materials of a state within themselves." Referring to the village community in 1910, Sir Charles (afterwards Lord) Mervell wrote: "They seem to last where nothing else lasts. Dynasty after dynasty vanishes down; revolution succeeds revolution. Hindus, Pathans, Mughals, Marathas, Sikhs, English are all beaten in them, but the village communities remain the same.... The name of the village community each one bearing a separate little state is root-

¹¹² M. C. Report, p. 22.

¹¹³ Report of the Indian Statutory Commission, Vol. I, p. 29.

has, I venture, contributed more than any other cause to the preservation of the people of India through all the vicissitudes and changes which they have suffered, and in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence."¹⁴⁵ Whenever there has been a period of political flux and transition, involving successive collapses and struggles of states in India, the protective mechanism of the village community has become prominent (especially) giving some stability to society, to civil and economic life.

The chief functionaries for village administration have traditionally been the headmen, the constables, the watchmen (Chandikar). The village headman occupies the most important position in Madras, Bombay and Burma.¹⁴⁶ In the first province, besides being responsible for the collection of revenue and its remittance to the fiscal treasury, he can be village magistrate for petty cases, and must maintain law and order in his village, applying for assistance to higher authorities of Government, and reporting to them the occurrence of crimes and the movement of criminal gangs, while as Village Munsif he acts as a petty civil court.¹⁴⁷ In Bombay, the head or headmen has similar duties to perform, while in the Punjab and the United Provinces the headmen or representatives of the landlords of the village have to report about crimes. Village watchmen entrusted with duties by Government do not exist in Bengal. In Assam, meetings of householders called mohali headmen, who being recognised by the Government are expected to help the police but are not charged with the work of revenue collection. In the Central Provinces the mupadams or headmen are elected representatives of the landlords. The village watchmen or chandikars are also expected to discharge useful functions in protecting the villagers from dacoit, robbery, etc., and their importance has been all along recognised. Lord

¹⁴⁵ *Edinburgh History of India*, Book II, Chap. 2.

¹⁴⁶ *Imperial Gazetteer*, Vol. IV, p. 280.

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Hartog in 1846 described them as "the foundation of all possible police in the country."¹⁰¹ and the Police Commissioner of 1862-63 also emphasised the necessity and importance of the village watch in the village system. A village accountant keeps village accounts and records of land revenue, in those parts of India where the village headman still has some revenue functions.

In all Major provinces except Madras there are Commissioners in charge of Divisions, which are usually groups of four to eight districts. A Commissioner of a division has 'special statutory powers' of his own, has the general superintendence over it and sits in it as a court of appeal in revenue cases. Since the time of late Mr. Goldsmid there has been a persistent demand for the abolition of Commissionership as "an unnecessary link in the administrative chain." But the Indian Statuary Commission candidly recognised that "the Divisional Commissioners' elimination would involve the provincial government not only in the loss of expert advice, but in the necessity of direct communication with a large number of heads of districts and in interference in matters which at present need not come to headquarters at all."¹⁰² The question of financial scallopiness makes this a point for serious consideration. In all the provinces except Bombay, there exists between the Commissioner and the Provincial Government a Board of Revenue or its equivalent a "Financial Commissioner." "In all their administrative capacity," remarked the Hastings Chalazford Report, "they constitute the chief revenue authority of the province, and relieve the provincial government of much detailed work which would otherwise come to it, while in their judicial capacity they form an appellate court for the increasing volume of revenue and other rent suits."¹⁰³ But recently "the approach to responsible government has naturally led to the transfer to

101 *Marine: Village Government in British India*, p. 141.

102 *Report*, Vol. I, p. 292.

103 *Ibid.* 152.

the provincial governments of some of the independent powers with which Boards of Revenue were endowed."¹¹¹

MULTAN V

PUBLIC SERVICES

During the early days of the East India Company servants, factors and writers of the Company discharged commercial as well as administrative duties, but they were hopelessly corrupt and inefficient. It was Lord Cornwallis who for the first time tried to organise the different branches of public service, and the Company's Charter Act of 1793 provided that "all vacancies happening in any of the offices, places or employments in the civil line of the Company's service in India should, subject to certain specified restrictions, be filled from among the Company's civil servants." The civil servants were required to sign a covenant not to carry on private trade, and not to receive presents; provision was made for paying them liberal salaries, and to reserve for them the superior grades and offices. In 1800 Wellesley founded the Fort William College in Calcutta for instructing the young civil servants in literature, science and several languages; this institution survived as a language school for Bengal civil servants till 1834. In 1806 the Company established at "East India College" at Haldibury¹¹² for imparting two years' training to young officers nominated for service in the East. Up to the year 1851 appointments were made by the Court of Directors. In the Charter Act of that year Sir Charles Wood, President of the Board of Control, proposed the introduction of the principle of open competition as a "great experiment which would justly test by securing intellectual superiority while affording a good chance at the same instant of obtaining in successful candidates those qualities which no examination can test."¹¹³ Being

¹¹¹ Report of the Indian Statutory Committee, Vol. I, p. 20.

¹¹² This college was closed on 31st January, 1858.

¹¹³ Quoted in Cambridge History, Vol. VI, p. 399.

already suggested by Macaulay, this proposal of Sir Charles Wood received the sanction of the Parliament. It was reaffirmed after the formal transferance of the Government from the Company to the Crown, and by Section 32 of the Government of India Act of 1858 the Secretary of State in Council received the power of making appointments to the Indian Civil Service with the advice and help of Her Majesty's Civil Service Commissioners.

In spite of the introduction of the principle of open competition, the Indians remained handicapped by various disadvantages and the British competitors greatly outnumbered them. In 1869 three Bengalis, Sir Surendranath Banerjee, Mr. Rammohun Chandra Dutt, and Mr. Bhawalil Gupta became successful,¹²³ but in 1870 out of seven Indian competitors only one was successful. Section 6 of the Government of India Act of 1870, however, provided for the appointment of a native of India to "offices, places and employments in the concentrated civil service, . . . although such a native should not have been admitted to the Civil Service in the manner already prescribed by law." But the rules for giving effect to this Act were not passed till nine years later, when in a resolution, dated 24th December, 1879, the Government of India declared that appointments under the rules would be limited to "youngmen of good family and social position, possessed of fair abilities and education, to whom the offices which were open to them in the unconsolidated service had not proved sufficient inducement to come forward for employment." It was also laid down that one-sixth of the posts reserved for the members of the Concentrated Civil Service should be filled by Indians through nominations by the Local Governments subject to the sanction of the Government of India and the Secretary of State. This came into existence what was called the Statutory Civil Service. But this system did not produce satisfactory results; during the several years after its introduction

¹²³ Banerjee, *A Nation in the Making*, p. 10.

sity appointments were made under it. In the face of persistent agitation in the country for greater Indianisation of the services and the demand made by the last Indian National Congress meeting at Bombay, in December 1889, for holding simultaneous examinations in India and England, the whole question was re-examined by Lord Dufferin's Government. The scheme of 1879 was given up in favour of one brought forward by the Public Service Commission which sat in 1885-87 under the presidency of Sir Charles Addison, the then Lieutenant-Governor of the Punjab. Under the recommendations of this Commission the general Civil Service was divided into three classes: (I) the Indian Civil Service, recruited in England; (II) the Provincial Civil Service; and (III) the Subordinate Service; the two latter being recruited from among the Indians according to the rules framed by the Provincial Governments and approved by the Government of India, either by nomination or examination.

Owing to the growth of complexity in administration, new services had by this time gradually developed to manage the numerous specialised departments, such as those of the Public Works, Survey of India, Agriculture, Posts and Telegraphs, Education, Police, Salt, Public Health, Jails and Civil Hospitals. These services were also divided on the analogy of the Civil Services, into three grades, Imperial, Provincial and Subordinate.

The reforms recommended by the Addiscombe Commission failed, however, to satisfy the aspirations of the politically-minded and educated Indians.¹¹ The inferiority of status and social position which had always been attached to the provincial services suggested to some extent by subsequent changes, had been felt by the Indian public as a real grievance, particularly in the case of the most important services such as the civil, education and public works.¹¹¹ The resolution of the House of Commons for the holding of simultaneous examinations

In England and India for admission to the Indian Civil Service, passed on 2nd June, 1893, was not given effect to, and the agitation of the Indians for a greater share in the public services came to a head in a debate introduced by a non-official member on 17th March, 1911, in the Imperial Legislative Council. Lord Hardinge's Government thereupon secured the appointment of a Royal Commission on Public Services under the presidency of Lord Minto, on 5th September 1912. The British members of the Commission were Mr. Ramsey MacDonald, Lord Rossmore and Sir Valentine Chauncy; the Indian members were Mr. Godbole and Mr. Justice (afterwards Sir) Abder Rahim. The report of the Commission was ready in 1916 but its publication was deferred because of the Great War till 1917 when it "¹ was entitled as wholly disappointing."
 "In view of the altered circumstances," the framers of the Reform Scheme of 1919, Mr. Montagu and Lord Chelmsford, thought it necessary to proceed in the direction of Indianisation of the Services far beyond the proposals of the Minto Commission. They were convinced "² that recruitment of a largely increased proportion of Indians should be begun at once. The process of a service cannot be altered in a day - it must be a long and steady process; it, therefore, the services are to be substantially Indian in personnel by the time that India is ripe for responsible government, so that should be less in increasing the proportion of Indian recruits."³ In order to give effect to this policy, they definitely recommended that (i) all racial distinctions in the names of appointments should be removed, (2) that "for all the public services, for which there is recruitment in England open to Europeans and Indians alike, there must be a system of appointment in India," (3) that "25 per cent of the superior posts should be reserved for India, and that this percentage should be increased by 10% per cent annually" until the situation is again reviewed by a Commission, (4) that improvements in the rates of pay and increments

¹ M. C. Report, page 212.

ual dues and greater elasticity in leave and pension rules should be effected, and lastly (3) that "any public servant whatever the Government under which he is employed shall be properly supported and protected in the legitimate exercise of his Functions," and that any rights and privileges guaranteed or granted in the conditions of his appointment shall be secured to him. "No changes that will occur can be allowed to impinge the power of the Government of India or of the Government Council to ensure these essential requirements." The authors of the Reform Scheme, however, believed that "to make the Indian people self-governing," the "continued presence of the English official is vital."

The Government of India Act of 1919 considered separately the question of the Civil Service in India. According to Section 96D et c., "subject to the provisions made by statute or statutory rule, any person in the Civil Service of the Crown in India is declared to hold office during His Majesty's pleasure, and may be employed in any manner required by a proper authority within the scope of his duty. But he may not be dismissed by any authority subordinate to that by which he was appointed, and may, if dismissed, be reinstated by the Secretary of State in Council. If a person appointed by the Secretary of State in Council thinks himself wronged by an order of an officer superior to him in a Governor's province, he has a statutory right to complain to the Governor, who is directed to examine the complaint and require such action to be taken therupon as may appear to him to be just and equitable. By the same section the Secretary of State in Council is empowered to make rules for regulating the classification of the civil service in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct."¹¹¹

The principle of progressive Indianisation cannot divorce factors among the vested interests in the services, on some occasions friction naturally arises between the Indian ministers

¹¹¹ See, *Political Institutions*, p. 121.

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on the one hand and the officers of the All-India Services working in the transferred departments. According to the recommendations of the Joint Select Committee on the Government of India Bill, the Secretary of State in Council introduced a scheme under which All-India Officers, selected for appointment before 1st January 1926, and holding no permanent appointment under the Government of India, were permitted to retire on a pension proportionate to the length of their service before completing the usual normal period.

These difficulties led to the appointment, in June 1923, of the Royal Commission on the Superior Civil Services in India under the chairmanship of Lord Lee of Fareham, in the teeth of a violent opposition from the Legislative Assembly. The Lee Commission made detailed recommendations in 1924, most of which have since been put into force. As contemplated in the Government of India Act, 1919, the Commission recommended the immediate establishment of a Public Service Commission in India consisting of five members for regulating and exercising disciplinary control over the services. It was provided that the Secretary of State in Council should continue to appoint and control the All-India Officers operating in the reserved part of the provincial administration (the Indian Civil Service, the Indian Police Service, the Irrigation Branch of the Indian Service of Engineers and the Indian Forest Service outside Bombay and Burma), while as regards services like the Indian Educational, Agricultural, Veterinary, Taxes and Engineering (Roads and Buildings Branch), the control of the Ministers "should be made more complete by closing the recruitment for them on an All-India basis". But above the Indian Medical Service, which falls with the field transferred to the Ministers, the Commission, for special reasons, recommended that every province should appoint in its civil medical department a certain number of officers less than the usual department of the Army in India. It fixed the rate of induction of services and made several important recommendations regulating leave, pensions, and other privileges and providing

safeguard for an official career in India. The Indian Statutory Commission recommended that the "security services" i.e., the Indian Civil Service and the Indian Police Service should continue to be recruited upon an All-India basis by the Secretary of State who should have power . . . to provide provincial governments to employ these services in such numbers and at such appointments as he thinks necessary . . . The quota of All-India Officers would vary according to the circumstances of each province and might eventually disappear." But the Commission thought that the present numbers should not be "changed materially for some time to come, and the rights and prospects of officers now in the services should be carefully safeguarded."¹¹¹ It endorsed the opinion of the Law Commission that "special additions to the standard positions should be given to officers who have borne the heavy strain of Government."¹¹² It also recognised the value of Central Public Service Commission and Provincial Service Commissions.¹¹³ It further suggested that in the recruitment for all the central services, some special consideration should be shown to the Anglo-Indians. The White Paper's recommendations were much on the same lines. Part X of the Government of India Act clarifies and defines the rights of the Civil and Military Services in the Indian Federation and also in the provinces. Their existing privileges in the matter of pay, promotion, leave, pension, etc., are guaranteed by it. The Secretary of State is to continue to make appointments to the Indian Civil Service, the Indian Medical Service (Civil) and the Indian Police. These are placed beyond the purview of the legislatures, and their interests would be safeguarded by the Governor-General and the Governors. This act also provides for the establishment of a Federal Public Service Commission and for provincial commissions, "but two or more provinces may

¹¹¹ Vol. II, p. 286.

¹¹² Ibid., p. 283.

¹¹³ Public Service Commission Act was passed in 1923.

agreed that one organisation shall cover a group or that all the provinces shall use one constitution."

SECTION VI

CHRONICLE OF INDIAN ARMY AND ARMY ADMINISTRATION.

During the first half of the seventeenth century the East India Company employed guards for the protection of its factories, but as time went on "their military character became slightly more marked."¹²² However, the first establishment of the Company's Indian Army may be accurately dated from the year 1746, when Major Strange Lawrence, father of the (British) Indian army,¹²³ organised a body of Sepoys at Madras after the example set by the French Government, Marne and Duran.

The gradual extension of the East India Company's possessions in India and the numerous political complications of the time led to the development of an army consisting of Indian sepoys, European recruits and Royal regiments—the 19th Foot being the first to serve at Madras in 1754 A.D., so that in the year 1794, in the three Presidencies of Bengal, Madras and Bombay, the total strength of the Indian army, including British royal troops, was 30,000 of which 13,500 were Europeans.¹²⁴ The nucleus of the European army in India lay in detachments of soldiers coming from England and being reinforced by European 'recruits, deserters and prisoners of war from other foreign establishments and sailors from the Company's ships.¹²⁵ The Indian sepoys of the Army consisted of Pathans, Rohillas, Rajputs, Afghans and Abyssinian adherents. The Madras and Bombay sepoys were recruited locally and the Bengal Presidency was supplied with soldiers from

¹²² Imperial Gazetteer, Vol. IV, p. 328.

¹²³ Cheshire Indian Policy, Second edition, p. 196.

¹²⁴ Imperial Gazetteer, Vol. IV, p. 327.

Coch and the country between the Ganges and the Gogra or Boker.¹¹¹ The three Presidency armies were under three separate Commandants-in-Chief. In course of time through the Nizam and the Bahadur sardars remained under the management of their local Governments, the Bengal Army became the army of the Central Government and the Commandant-in-Chief of the Bengal Army became the head of the military establishments in British India.

Though often manifesting courage and military skill, the general discipline and morale of the Indian army remained for a long time utterly deplorable in spite of Lord Clive's reforms in 1755¹¹² and the reorganization of 1793 and 1824.¹¹³ Referring to the condition at the end of the eighteenth century, Mr. Chetwai has justly remarked that "in all matters connected with pay, equipment and the audit of accounts the army abominated pastels of the general hooly and disorder which up to that time had pervaded every branch of the Company's Government in India, the major part of the officers' emoluments being derived from irregular parastates, while, as to the supposed expense, morale and discipline of the early Company's army, the Notary of those days records a succession of maladies, to which the black and white troops were alternately employed to serve each other."¹¹⁴

With the further expansion of the East India Company's dominions a force of eighteen regiments named the 'Irregular Infantry' was attached to the Bengal Army, and local corps were raised in the different regions (e.g., 'the Punjab Irregular

111 Rajputras who served as musketeers during the Mughal period and also in the same regiments of the East India Company. Many of them served the Bengal Battalion during the eighteenth century, whence we have been a reference to the 'Anandpurias' of the contemporary Bengal army Bharatavarsha.

112 For details on this great reform may be made in Captain Robert Beeson's *Our and Progress of the Bengal Army* Vol. I, pp. 353-403.

113 *Imperial Gazetteer*, Vol. IV, pp. 388-407.

114 *Opr. cit.*, p. 282.

'Force' on annexation of the Punjab in 1849, one raised after the annexation of Nagpur in 1844, and the 'Oudh Irregular Force' after the annexation of Oudh, 1856. Besides these many of the Native States, in accordance with treaties, maintained regiments which were practically at the disposal of the British Government (e.g., the Hyderabad Contingent).

Various causes combined gradually to impair more and more the efficiency and discipline of the army.¹²⁰ The best British officers were allowed from regimental duty for the prospect of political employ and, as consequence of the centralisation of military authority, commanders were deprived of powers which they had exercised in the days of Mahratta.¹²¹ There was also growing up a glaring disproportion between the numbers of the European and the Indian troops.¹²² These evils,¹²³ writes Mr. Channing, "had existed for many years, and were perceived and frankly deplored by all who thought about the matter. They reached a culminating point during the administration of Sir Charles Napier, after which there commenced the mere appearance of repressed discipline throughout the Bengal army."¹²⁴

The Mutiny of 1857–58, which clearly revealed the defects of the system, was followed by a reorganisation of it. The Company's European troops then numbering above 15,000 were transferred to the service of the Crown and they "became liable to serve wherever ordered." These local European troops strongly protested against this order, and their action was at that time aptly called the 'White Mutiny.' "much discontent, a good deal of open insubordination, and even more covert dissatisfaction, were manifested, and 1,000 men took their discharge."¹²⁵ The native armies were reorganised and the British element was increased, so that in the year 1864 in the aggregate strength of 205,000 men, 65,000 were British.

¹²⁰ Cambridge History, Vol. VI, p. 171.

¹²¹ Op. cit. pp. 294–5.

¹²² Imperial Gazetteer, Vol. IV, p. 362.

A Royal Commission, appointed to consider the question of Army reorganization, recommended that "native regiments should be formed by a general mixture of all classes and castes."¹¹² But this voluntary and progressive suggestion was not adopted, and the native army remained a loose heterogeneous mass body. It was arranged in 1861 that the British officers in the native regiments should be regarded as holding a 'staff' appointment and should draw allowances as well as pay of rank. They were henceforth "posted in a Staff Corps, recruited from the Company's and the Queen's services."¹¹³ During the mutiny and the few years after it many changes occurred in dress, equipment and recruitment, in connection with the changing British army organization in Europe after the Crimean War.

The fear of Russian advances in Central Asia and the troubles in Afghanistan brought the question of army reform to the forefront. The Afghan War of 1878-80,¹¹⁴ involving the employment of a considerable army and a strain upon the military resources, was fruitful of losses in every branch of the art of war and of army organization.¹¹⁵ It revealed many defects, and several reforms were carried out according to the Army Organization Committee of 1879. Then, the Punjab rising, the troubles in the North-West Frontier and the third Burmese War created grave anxiety for the Government of India and led to the increase in the number of both British and native troops bringing the strength of the forces to 73,900 and of the latter to 154,000.

The pressure of external dangers hitherto unperformed made the British Government particularly careful about army organization and efficiency. The composition of the army was considerably modified, since 1873 the more warlike races of the outer auxiliaries like the Gurkhas, the Pathans and the Sikhs took the place of

¹¹² Ibid.

¹¹³ Cambridge History, Vol. VI, p. 356; Imperial Gazetteer, Vol. IV, pp. 344-45; Chesser, Op. cit., pp. 239-258.

¹¹⁴ Imperial Gazetteer, Vol. IV, p. 347.

the old interior Hindustan and Southernness. After the third Burmese War eight Madras regiments were converted into Burma regiments being recruited from the same native races of North-West India and stationed permanently in Burma. Recruitments at Telengana was stopped in 1893, and between 1902 and 1904 two of the Madras regiments were converted into battalions at Nagpura, one into a Gurkha corps and nine into battalions at the Punjab.¹²² Various reforms were also introduced for improving the organization, the most important ones of which may be mentioned here. In 1891 the Staff Corps of the three Presidencies were amalgamated into the Indian Staff Corps, which was renamed the Indian Army in 1903. By an Act of the year 1893, which came into force since April 1895, the offices of the Commander-in-Chief in Madras and Bombay were abolished and the control of the local governments there over the two armies was withdrawn. In 1896 the old presidency armies were organized into four territorial commands, each under a lieutenant-general. This measure removed, no doubt, the shackles of the absolute of the Commander-in-Chief's direct control over great bodies of troops in India, and dispelled the Bengal Army, which "had become essentially far a single command and was in danger of becoming homogeneous,"¹²³ but it "will let the organization in time of peace committed to the organization in case of war."¹²⁴ A further reorganization took place under Lord Kitchener when the Indian troops were formed into three army corps, northern, western, eastern (corresponding to the Punjab, Bombay and Bengal commands) and six divisional commands including Burma. But the command system was abolished in 1902 and India was divided into spheres of two Armies—the Northern and Southern. The Great War revealed the defects of this system and a radical reorganization of

¹²² Cambridge History, Vol. VI, p. 229.

¹²³ Imperial Gazette, Vol. IV, p. 223.

¹²⁴ Doherty, Sketch of the History of India, p. 93.

the army took place after the War was over. The whole of India was divided into fourteen districts grouped into four commands, each district containing a certain number of brigade commands.

Lord Curzon's viscosity witnessed many reforms in "armament, equipment, mobilisation and defence." An important change also took place in the sphere of army administration. Since 1861 the Military Member of the Viceroy's Council was the officer through whom the supreme control of the Government of India over the troops was exercised. He was an officer of the British or Indian Army, presided over the Military Department, and "was the constitutional adviser of the Viceroy on questions relating to the Army."¹¹² But the Commander-in-Chief who was "responsible for promotion and discipline and for all movements of troops, was appointed as an Extraordinary Member of Council and commanded a rank next to that of the Viceroy and thus superior to that of the Military Member."¹¹³ Under this somewhat anomalous system, the works of the Military Secretariat and the Army Headquarters often collided; and besides that the Commander-in-Chief had to bring his proposals and schemes to the notice of the Viceroy in Council through the Military Member, an officer of lower rank than him. Lord Kitchener, after his arrival in India as the Commander-in-Chief in November 1902, strongly attacked this "system as a military scheme involving, moreover, great expense and delay."¹¹⁴ But Lord Curzon being supported by the ordinary members of his Council refused to accept it on the ground that the "tendency of the scheme was to concentrate military authority in the hands of the Commander-in-Chief, and to subvert the supremacy of the civil power by depriving it of independent military advice,"¹¹⁵ and that it would produce too much centralisation.

¹¹² See Thomas Balloch, Lord Curzon as Public Interventor, p. 2.

¹¹³ Dohwell, Op. cit., p. 17.

¹¹⁴ Balloch, Op. cit., 1.

and would overburden the Commander-in-Chief with too many duties. The Secretary of State made an amendment by which certain branches of Army administration, such as the supply and storage of provisions, clothing, ordnance, medical stores and horses, together with matters connected with important army contracts, were made over to the Department of Military Supply especially constituted for the purpose and placed under the control of a military officer who was to be an ordinary member of Council. Lord Curzon agreed to this but the appointment of the officer caused difficulties which led him to tender resignation in August, 1895; he left India in the following November.

During the last Great War Indian troops of all classes rendered valuable services. In 1914 an Indian army corps fought in France in the midst of a severe winter; Indian troops fought in Flanders, in East Africa, in Turkey on the Egyptian frontier, in Palestine, in Mesopotamia and preserved peace in Southern Persia. During the war over 680,000 combatants and 400,000 non-combatants were raised by the Government of India on a voluntary basis, more than 1,215,000 officers and men served overseas and the Indian casualties amounted to 301,000.

There are two main categories of officers in the Indian Army, holding the King's Commission and the Viceregal Commission respectively. Since 1913 the Indians have been eligible to hold the King's Commission as the war and they can enter it in three ways—(1) by qualifying themselves as cadets in the Royal Military College, Sandhurst, or the Royal Military Academy, Woolwich, (2) by the selection of capable Indian officers or promotion of non-commissioned officers of experience from the ranks, and (3) by the grant of honorary King's Commissions to "officers whose age or lack of education precludes them from holding the full commission in the ordinary sense."¹¹² Until 1931 there remained at Woolwich and ten at

Sandhurst were reserved actually for Indian cadets.¹²³ To enable the Indians to obtain a preliminary training for admission into the Royal Military College, Sandhurst, or the Royal Military Academy, Woolwich, the Government of India established the Prince of Wales Royal Indian Military College at Dehra Dun, which has a normal course of six years' education and has accommodation for a maximum of seventy students at any one time.¹²⁴ Besides these, the Government of India, at the suggestion of Lord Rawlinson, the Commander-in-Chief in India, decided in February, 1921, for the induction of eight units of the Indian Army; a further step in this direction is marked by the announcement of 1922 for Inducting a Division of all Arms and a Cavalry Brigade.¹²⁵ In the month of October, 1922, was opened the Indian Military Academy at Dehra Dun with the object of training officers of the Indian Army of the future.¹²⁶

The defence forces of India consist of the Regular Army which includes units from the British Army, the Ambulance Corps recruited solely from Europeans and Anglo-Indians, the Territorial Force composed purely of Indians and consisting various provincial units, the University Training Corps and the Medical Branch, the Royal Air Force and the Royal Indian Marine,—all under the authority of His Excellency the Commander-in-Chief, who is also the Army Member of the Central Executive Council. Besides these, there are forces under the Rulers of the Indian States, the actual strength of which amounts to about 46,000. The Indian Air Force came into existence on 6th October, 1922, when the first batch of Indian cadets, after having obtained training at Cranwell, received commissions as pilot officers.

¹²³ *The Indian Year Book*, 1922, p. 321.

¹²⁴ *Ibid.*

¹²⁵ *The Indian Annual with Indian Record*, July—September, 1922, p. 428.

¹²⁶ *Ibid.*

The problem of national defence has been for some time one of the most burning topics of Indian politics and it is intimately connected with the evolution of responsible government in India. Since the inauguration of the Indian National Movement in India, there has been expressed a greater impatience for helping the defence of the country in the hands of her people.¹⁴⁴ This has taken a mass form in the post-war period in two concrete forms—firstly for the rapid induction of the commissioned ranks of the regular Army¹⁴⁵ and, secondly for the "extension of the militia which already exists for serving Indians in the Territorial Force." There has been also an constant complaint that the army expenditure is a heavy burden on the revenues of India and the greater portion of the resources should be spent for "nation-building" purposes.

The Montagu-Chelmsford Report after admiring the "brilliant and devoted services of the Indian Army in the various theatres of war" emphasised the "necessity of grappling with the problem." The authors of the Nehru Report recommended that the control over the Indian Army should be transferred to the Masters. The Sleets Committee, which was appointed in June 1921 under the presidency of Major-General (subsequently General) Sir Andrew Sleets, then chief of staff of the army in India, and which is commonly known as the "Indian Standpoint Committee," recommended the abolition of the "caste quota scheme" of 1921 and the establishment of an Indian "Standpoint" by 1933. The report of these recommendations by the Government of India was "widely represented in India as a refusal to adopt a more liberal treatment of the problem of Indianisation."¹⁴⁶ The problem of Indian defence did not escape the attention of the Indian Statutory Commission. It remarked that "Indian nation-

¹⁴⁴ H. C. R. Kothari, *Present India*, pp. 168-71.

¹⁴⁵ For an exposition of this, see Chapter VI of Sir P. C. Brewster's *India's Indian Constitutional Problems*, 1928.

also are perfectly right in attaching great importance to Army questions in India in relation to India's constitutional development. It is essential to the honour of Britain, in relation to the assurances which have been given that we are sincerely agreeing at the statement of self-government in India that the transformation should be given a fair chance. The change is bound to be slow, and it is much more likely to come about smoothly and successfully, if the difficulties are honestly placed on both sides in a spirit of complete goodwill."¹⁰⁰ In the second volume of its report, the Commission considered the "critical problem" of national defence from different standpoints and stated two propositions—(i) "Control of an Army including a British element cannot be made over to an Indian Legislature," (ii) "the evolution of an entirely Indian military force capable of undertaking unaided the tasks now discharged by the Army in India, will be a very slow process indeed."¹⁰¹ It urged the retention of a British element in Indian Army for three reasons—(1) frontier defence, (2) internal security, (3) obligation to the Indian States. The Government of India Act 1935 makes no "substantial change" in the question of defence.

SECTION VII

Public Works and Communications

The promotion of Public Works has formed a traditional activity of the State in the country of Asoka and Sher Shah. The tradition did not die out altogether, though its force was greatly lost, owing to numerous political corruptions, when the East India Company began building up again an administrative system in India. A study of the East India Company's early surveys undertaken by Mather in 1750 or by Russell in 1753—66

¹⁰⁰ Vol. I, p. 122-23.

¹⁰¹ Vol. II, p. 179.

and of some old accounts and genealogies like those of Buchanan and others clearly shows that the country had not even in the latter half of the eighteenth century totally lost what had been built up in the past in the shape of communications, and facilities for travel and transport. Indeed it was in the closing decades of the eighteenth and the opening decades of the nineteenth century that communications in the major part of India were at their worst. Political or more properly strategic, administrative and economic conditions of a country are very intimately related to the organization of Public Works and Communications. Thus during the first decades of the nineteenth century, the East India Company's attention was mainly occupied with the construction and repair of barracks and other military buildings and of some military roads.¹⁰¹ Lord Willingdon is given the credit of having perceived the importance of a new trunk road connecting Calcutta with the Upper Provinces¹⁰² and this project was carried out vigorously by Mr. Thosmson, Lieutenant-Governor of the North-West Provinces from 1858-59, and by Lord Dalhousie.

During the first half of the nineteenth century, a Military Board in each Presidency was the recognized authority for construction of Roads and Buildings. But in 1854, during the Governor-Governorship of Lord Dalhousie, a special department of public works in the Government of India was constituted with subordinate departments for Madras and Bombay Irrigation works, which paid, and more than paid from the very commencement,¹⁰³ had attracted the East India Company's attention during the early years of the nineteenth century. The work in this branch was pushed on vigorously on the lines of

¹⁰¹ G. W. MacGregor, *Roads and Works in India* (1856) Chap. II

¹⁰² The Grand Trunk Road—its location published in *Calcutta Review*, No. XII, Vol. XXII pp. 198-200. It should be noted in this connection that Raoni or his Description of Roads in Bengal and Bihar (1779) describes of a high road from Calcutta to Rangoon, evidently part of an old grand trunk road to the West.

¹⁰³ Des. India in the Victorian Age, p. 117.

Lord Dalhousie. The Ganges Canal, designed and completed by Sir Proby Collyer, was opened by Mr. Colvin, the Lieutenant-Governor of Agra in March 1854. The Benares Canal followed, and in Madras the great work across the Cauvery was executed by Sir Arthur Cotton and his successors. Railways were first commenced during the Governor-Governorship of Lord Dalhousie, and soon Railway companies like the East Indian, the Great Indian Peninsula, the Bombay Baroda and Central India and the South Indian, were started. This period was also marked by the opening of electric telegraph due to the enterprise of Mr. (afterwards Sir) William G. Siemens.

In recent times, growing decentralisation and gradual development of local self-government have led to changes in the organisation of Public Works. As regards Buildings and Roads powers were delegated to the provincial governments and local bodies even before 1920; the Montagu-Chelmsford Reforms have made the construction and upkeep of roads a provincial and, except in Assam, a "transferred" subject. But owing to the growth of motor transport, the "maintenance and construction" of the most important roads are now becoming a matter of national or "All-India" concern, which the provincial governments "have not the financial capacity to deal with unaided."¹⁰¹ A Special Road Development Committee was appointed, the recommendations of which were embodied in a resolution passed by the Legislature during the 1930 Delhi Session. A road-tax surcharge on petrol was imposed in March 1929, the Standing Committee for Roads became established by the following April. Road Conferences began to be held from time to time and the Road Development Account began to be "administered by the Governor-General-in-Council in accordance with the Committee's advice."¹⁰²

¹⁰¹ *India in 1930-31*, p. 274.

¹⁰² *Ibid.*, p. 268.

The importance of Irrigation Works in an agricultural country like India, where rainfall is characterised by " its unequal distribution throughout the seasons and its liability to failure or severe deficiency," can hardly be exaggerated. We have already noted the earlier attempts of the Company which were more or less successful and lasting, but during the middle of the nineteenth century when railway construction was pushed on vigorously, " irrigation works suffered from comparative neglect."¹¹ Two private companies took up the work of canal building,—the Madras Irrigation Company to execute Mr. Cotton's Tengapattanam project and the East India Irrigation and Canal Company to carry out his Orissa Canal Scheme, but these attempts proved financially unsuccess and therefore failed.¹² The frequent calamities of famine during the last few decades of the nineteenth century caused public opinion to the importance of suitable irrigation works in India. " Among the means," remarked the Famine Commission of 1880, " that may be adopted for giving India direct protection from famine arising from drought, the first place must unquestionably be assigned to works of irrigation."¹³ An Irrigation Commission was appointed by Lord Curzon in 1901 which submitted its report in 1903. The Commission expressed the opinion " that the field for the construction of new works of any magnitude on which the net revenue would exceed the interest charge was restricted to the Punjab, Sind, and parts of Madras, and that the tracts in which most of such works could be constructed were not liable to famine. Where protective irrigation was most urgently required in the Deccan districts of Berar, Nagpur, and Madras, the Central Provinces and Bundelkhand, the Commission found that there was no prospect of new irrigation works on any considerable scale proving directly remunerative, but it recommended that works should

¹¹ Col. Indian Administration, p. 282.

¹² Kneller, *The Economic Development of the British Empire*, pp. 272-274.

be undertaken in those tracts with a view to reducing the cost and mitigating the intensity of future floods. The Commission reviewed all the irrigation works of importance in every province of India, pointed to a great number of suggested projects and recommended a thorough investigation of the irrigation capabilities of every part of India. It sketched out a rough programme of works for the next twenty years, and added 665 million acres to be irrigated at an estimated cost of nearly £30,000,000.¹²² The report of the Commission forms the basis of the Government of India's irrigation policy and since 1926 irrigation statistics are being systematically recorded.¹²³ During the year 1926-27 the total acreage irrigated by Government works in British India alone was 1,000,000 in excess of the previous record figure of 30,000,000 acres attained in 1923-24, and represented 12·7 per cent of the cropped area.¹²⁴ Since then stupendous projects of barrage and irrigation have been carried out in the Sutlej and Indus Valleys, further adding to that percentage, and transforming and water-irrigating fields.

Irrigation has become a provincial subject after the Reforms of 1919, and the local governments are responsible for constructing and maintaining irrigation works.¹²⁵ Various types of irrigation works have been in use in India and a few more have been introduced, e.g., canals, reservoirs, wells, rate walls, lift-irrigation from rivers or temporary dunes for holding up flood-water, of which canals are by far the most important. Some of the important irrigation works undertaken during recent years are the Sutlej (or Lloyd) Irrigation in Sindh, the Sutlej Valley Project (mainly affecting Bahawalpur), the Sarda River irrigation works in the United Provinces,

¹²² *Memorandum and Material Project Report, 1926-27*.

¹²³ India in 1929 H, p. 229.

¹²⁴ But usually the work of one province by provincial authorities or otherwise, has made it necessary for either the Central Government or two or more local governments jointly, to manage certain irrigation works extending over or benefiting more than one such province.

the Karez Reservoir in the Madras Presidency, and in the Deccan "the Bhandardara Dam, which is the highest in India, and the Lloyd Dam at Bhupur, which is the largest mass of masonry in the world.

The Royal Commission on Agriculture in India also considered the question of Irrigation Works and made certain important recommendations. It recommended the maintenance of closer relations between the agricultural and irrigation departments. In order that the cultivators "should have a more direct access of approach to responsible officers of the department and to Government," the Commission suggested "the creation, in those provinces in which irrigation is of importance, of an organization on the analogy of the local railway advisory committees composed of representatives of the irrigation, revenue and agricultural departments, with a majority of non-official members who should, if possible, be cultivators. The main duty of this advisory committee would be to deal with complaints from cultivators or associations of cultivators in regard to irrigation matters." In addition to the Central Irrigation Board already constituted by the Government of India the Commission proposed the "establishment of a Central Bureau of Information for Irrigation which might suitably be placed in charge of the Consulting Engineer to the Government of India with its headquarters at Delhi. The main function of the Bureau would be to establish and maintain a comprehensive library of irrigation publications and to act as a clearing-house of information needed by provincial officers. It should endeavor to keep agricultural interests and the public generally in touch with irrigation developments in India and abroad." The Commission further pointed out the necessity for research on irrigation problems.

The history of railway construction in India may be studied under four periods. During the first period coming up to 1869 the lines were constructed by joint-stock companies on a Government guarantee of five per cent annual interest on all share capital raised by them together with a long grace of lands

scooped. In return the companies were required to pay to the State, when they earned more than five per cent, half the surplus in every half year, the Government were to exercise control over the construction, working and management of the lines and it retained the right to purchase the railways at a fixed rate after twenty-five years. But the guarantee system produced evils rather than any benefit to the country or the Government.¹⁰⁰ The lines were planned on a "nefarious scale of robbery, on abroad gauge, with unnecessary superannuation modulus for either safety or efficiency."¹⁰¹ The companies being relieved of five per cent on every lading sent had no incentive for economy or incentive for speedy or economical work. The system therefore entailed a heavy drain upon Indian resources; by 1869 the deficit on railway budget amounted to Rs 188½ lakhs. As a witness before the Parliamentary Committee of 1873, Lord Lawrence condemned railway extravagance in India in the following terms: "I think it is notorious in India among almost every class that even based talk on the subject that the railways have been extravagantly made; that they have cost a great deal more than they are worth, or ought to have cost."¹⁰² The guarantee system was, therefore, abandoned and the state decided to construct railways through its own agency with borrowed capital. The Indore Valley, Peshawar Northern, Rajputana, Malwa, North Bengal were the lines directly constructed by State agency between 1869–80. But the outbreak of terrible famine between 1876–79 and the Afghan War of 1878–1879 by upsetting Indian Finance¹⁰³ dealt the coup de grace to the policy of pure State construction and management.¹⁰⁴ In England also¹⁰⁵ a feeling of hostility towards State enterprise was again

¹⁰⁰ For details, see R. C. Dutt, *India in the Victorian Age*, pp. 29–12.

¹⁰¹ Dohwell, *A Sketch of the History of India*, p. 14.

¹⁰² Quoted in R. C. Dutt, *Op. cit.*, p. 126.

¹⁰³ M. B. Mehta, *Indian Railways* (London), P.L.D., p. 26.

saying up."¹⁴² In reply to the letter from Lord Lytton's Government sent in June 1878 the Secretary of State, Lord Hartington, wrote: "In the case of railways, I do not doubt that your Excellency will bear constantly in mind the importance whenever possible of securing their construction by private capital either local or European."¹⁴³ The Government therefore took recourse to the old guarantee system on easier terms than before and under a new name—the State had worked by Companies. Railway lines of the total strength of over 4,000 miles were opened under this system. At the same time the State also assumed concern with the construction of roads less chiefly from strategic considerations. Being financially embarrassed, the Government further tried to enlist "capital points" enterprises. Four companies were thus started—the Nizam, the Delhi Ambala-Kalka, the Bengal Central, and the Bengal North-Western.¹⁴⁴ This experiment did not, however, prove successful. The Native States were also now invited to undertake railway construction in their own territories. In 1893 was introduced the system of subsidies, which meant that "instead of a gold substrate, companies were offered a rebate on the gross earnings of the traffic starcharged with the main line, so that the dividend might rise to four per cent, but the rebate was limited to twenty-five cent of the gross produce." The rebate terms did not, however, prove sufficiently attractive and in 1896 the "branch line company was offered an absolute guarantee of three per cent with a share of surplus profits, or a rebate to the full extent of the main line's earnings in proportion of their own, the total being limited to 3½ per cent, on the capital outlay."¹⁴⁵ But even these terms came to be regarded in course of a few years as unsatisfactory and owing to the efforts of Mr. T. Robertson in 1903 and the Mackay Committee in 1917-8, the Government revised them in 1913 and

¹⁴² See Balch C. P. *Indian Railways*, p. 251.

¹⁴³ *Ibidem*, Op. cit., p. 41.

¹⁴⁴ *Ibidem*, Op. cit., p. 42.

pp. 162a was substituted an increase "in the rate of guarantee from 3 to 3½ per cent. and of rebate from 3½ to 3 per cent. with equal division of surplus profits over five per cent in both cases." In 1905 the MacLay Committee had drawn a very progressive programme for railway extension, but the changed conditions during and after the War accentuated the problem of railway construction. The Acreworth Commission in 1921 considered a suitable policy for further development in future. But its members were not unanimous; the majority including the President himself were in favour of abolishing the system of Company management. They recommended that the State should undertake the direct management of railways after the expiry of the contracts with the companies. The Munir Report was not accepted by the Government of India at first, but a great deal of public dissatisfaction and criticism began to appear against the system of management by the Companies, who carried away profits to the amount of one crore a year out of India and whose Boards in London did not sympathetically consider the grievances of the poor passengers or struggling producers, manufacturers and traders who paid for the railways, and their profits. Under the pressure of this national demand the Government has recently taken over under its direct management the East Indian Railway (1st January, 1924), the Great Indian Peninsula Railway (29th June, 1925), the Burma Railways (1st January, 1929) and the Southern Punjab Railways (1st January, 1930).

A few words may be said here in brief description of the railway administration and finance. For many years the railways were controlled by a branch of the Public Works Secretariat with several consulting engineers under it. In 1872 a single Director-General of Railways, exercising powers over both State and Company lines was appointed, he remained, however, included in the Secretariat as Deputy Secretary for Railways. But owing to the rapid expansion of railways necessitating management by practical business men on commercial lines, the Railway branch of the Secretariat was abolished and

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its place was taken by a Railway Board consisting of a chairman and two members and placed directly under the newly constituted Department of Commerce and Industry. Administrative duties were delegated to the Board and the Government of India reserved to make the "final decision in regard to the preparation of the railway programme and the larger question of railway policy and finance which affect all bear."¹¹¹ The Board was further reconstituted on the lines of the recommendations of the Acrewth Committee (1930-31) and as at present constituted, it consists of the Chief Commissioner, a Financial Commissioner and three members and is assisted by five directors "¹¹² expert in civil engineering, mechanical engineering, traffic, finance, and establishment and labour, whose functions are to relieve the Board itself of routine work by disposing of all detailed or technical matters themselves, and thus to enable it to concentrate its attention on the larger questions of policy."¹¹³ Besides the Railway Board, there are the Rates Advisory Committee constituted in 1936 and the Central Publicity Bureau of the Railway Board inaugurated on 1st April, 1937. The railway services have also been recently reorganized and are being gradually liberalised. The Government of India Act, 1935, provides for the creation of Federal Railway Authority and vests in it all powers regarding the regulation, construction, maintenance and operation of railways.

During the nineteenth century the Railways encashed a heavy burden on the resources of the country and was not a paying concern to the Government. From the beginning of the twentieth century, the system began to yield a clear profit. The Acrewth Committee recommended the separation of railway finance from the general finance and it has been given effect to by a resolution of the Assembly dated 20th September, 1936.

Mr. Imperial Gazette, Vol. 14, p. 389.
258 India in 1939-40, p. 389.

The Posts and Telegraphs Department renders numerous services to the State as well as to the people. Up to 1912 the telegraph service in India was a separate department administered by an officer named Director-General of Telegraphs, working in subordination to the Government of India in the Department of Commerce and Industry. In 1914 the Secretary of State sanctioned the amalgamation of the Posts and Telegraphs Departments. The new arrangement being introduced from 1st April, 1914 was completed on March, 1919. The control of the Posts and Telegraphs is now in the hands of the Director-General of Posts and Telegraphs, working in subordination to the Government of India in the Department of Industries and Labour. A special feature of the Department's work in recent years has been the "extension of postal and telegraphic facilities in rural areas". Apart from purely postal activities and telegraph department, other sections of the department like telephones, wireless, radio and aerial post are also making rapid progress, thus bringing India almost at the gates.

CHAPTER II

THE GROWTH OF AN INDIAN CONSTITUTION AND THE POLITICAL DEVELOPMENT OF INDIA.

A.—INDIAN CONSTITUTION

SECTION I

GROWTH OF PARLIAMENTARY CONTROL, AND THE RELATIONS BETWEEN PARLIAMENT AND SECRETARY OF STATE AND THE COMMONWEALTH OF INDIA.

The administrative scandal in Bengal during the second dynasty instigated by Lord Clive and the greed of the Directors in England (who regarded the Directors as making "the beginning of a golden millennium") and that caused the rate of dividend to 10 and 12 per cent drew the attention and intervention of the British Parliament to and in Indian affairs even from 1786, when Parliamentary Committees were appointed to enquire into these, next year the Parliament required the Company to pay an annual tribute to the Home government for their new and considerable acquisitions. Parliamentary control of a more effective nature is however to be traced from the year 1773. The Company's servants were arrogant and opulent, but the Company itself was struggling with impending bankruptcy. So when the Company approached the Parliament in 1773 for financial assistance, Lord North's Government took the opportunity to make alterations in the system of administration of the Company's Indian possessions by passing two Acts. By the first Act the Company was granted a loan of £1,60,000 at 4 per cent and its power of declaring large dividends was somewhat restricted. The second Act was the famous Regulating Act of 1773, the provisions of which have been already noted.¹ But this Act did not remove the criti-

¹ Vol. I, Part I, pp. 38-39.

and it has been justly condemned "as violating the first principles of administrative mechanics. It created a Governor-General who was powerless before his council, and an executive that was powerless before a supreme court, itself immune from all responsibility for the peace and welfare of the country."¹ The *Anwering Act* of 1760-61 removed some of its anomalies and vested the jurisdiction of the Supreme Court. But the whole question was reopened in 1763 when, in the month of March, the East India Company was again obliged to petition for financial help. "The relief and reformation of the Company" remained Burke's "*watchword*. The Company had flown in the face of Parliament."² Three proposals came forward, those namely of Dundas, Fox and Younger Pitt. The first two were rejected after bitter and vehement criticism, but the third was carried through the Parliament in August 1763. Pitt's India Act³ set up six "Commissioners for the Affairs of India," known more generally as the Board of Control, consisting of the Chancellor of the Exchequer, a Secretary of State and four (six as modified by a subsequent Act) Privy Councillors appointed by the King and holding office during his pleasure. The Commissioners were unpaid and had no perquisites. They were invested with the "Supervision and Control over all the British Territorial Possessions in the East Indies and over the Affairs of the United Company of Merchants." Members of the Board were to have access insured to be furnished with all papers belonging to the Company. The Directors of the Company had "to pay obedience to, and had to be bound by the orders of the Board, which might modify any commissions or directions issued by them." The secret or urgent orders of the Board might be sent to India through a Committee of Secrecy of the Directors consisting of the Chairman, the Deputy Chairman, and the Senior Director, and the Council of Proprietors was deprived of any power to

¹ M. C. Rango, p. 20.

² Cambridge History, Vol. V, p. 491.

³ P. Malabika, Op. cit., Vol. I, pp. 28-30.

R. 3.

suspension or annual resolutions of the Directors approved by the Board. Thus the Court of Proprietors was reduced to an insignificant position and the Board became practically the master of the Company. The Secretary of State, in his absence the Chancellor of the Exchequer or in the absence of both of them, the most senior of the other Commissioners was to be the President of the Board, having a casting vote in matters of difference. The Councils of the Governor-General of Fort William in Bengal and of the Governors of Fort St. George and Fort St. David were to consist of three instead of four members, the Commander-in-Chief being one of them, the Governor-General or Governor were to have casting votes. The Governor-General and Council was to exercise control in certain matters over all the other Commissioners belonging to the Company. It was also provided that the Governor-General and Council should not declare war against any Indian Power without the permission of the Court of Directors.

This was "intended the dual system of government by the Company and by a Parliamentary Board which endured till after the Mutiny. From 1858 onwards we may take it that all administrative acts of the Governor-General in Council, including annexations of territory were done with the sanction of the National Government."¹¹

The constitution of the Board was remodelled by an Act of 1799 which provided that two Commissioners might be appointed from outside the Policy Council and that the members and staff of the Board were to be paid out of the Indian revenue. From this time the First Commissioner was called the President of the Board of Control, and "under this change the collective action of the Board became a mere fiction, and all power came to reside in the hands of the President who derived additional importance from his being a member of the Cabinet."¹² Very few enactments of constitutional importance

¹¹ M. C. Report, Part II.

¹² Scott: Indian Administration, pp. 50-51.

were passed during the period from 1793 to 1813.¹ The various considerations, political as well as financial, led to the appointment of a committee of the House of Commons, which made a searching enquiry into the affairs of the Company in India and submitted the famous Fifth Report, which was published in July 1812. The Parliament then passed the Charter Act of 1833 in the teeth of vigorous opposition from the Company, and this Act granted the Indian possessions and revenues to the Company for a further term of twenty years, reserved to them for the same time the China trade and the tea trade, but threw open the general India trade subject to certain restrictions. The constitutional significance of the Act was that "it assured the sovereignty of the Crown over ²the territories of the Company." A further step in this direction was marked by the Charter Act of 1853, which in several ways introduced "important changes into the constitution of the East India Company and the system of Indian administration."³ The Company was allowed to retain its territorial government for another term of twenty years, but it was to hold these "in trust for his majesty, his heirs and successors, for the service of the Government of India."⁴ The Company had to close its commercial business, and its administrative affairs were henceforth to be conducted by the Court of Directors under the control of the Board as representing the Parliament. By the Charter Act of 1853 the Charter of the Company was renewed for not less than fifteen number of years. It was provided that the "Indian territories should remain under the government of the Company, at first for the Crown, until Parliament should otherwise direct." The Act further reduced the number of Directors from twenty-four to eighteen, out of whom six were to be appointed by the Crown. In the same year the 'right of patronage' was taken from the Directors and exercised under

¹ *Ibid.*, *National Autobiography*, p. 21.

² M. C. Report, para H.

³ *Ibid.*, Ch. vi, p. 44.

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raise made by the parliamentary Board of Control.¹¹¹ It should not, of course, be thought that "the supremacy of the President of the Board of Control left the Directors with no real power. Their position was still a strong one; the right of initiative still rested exclusively with them; they were still the main repository of knowledge, and though the last responsibility lay with Government, they exercised to the last a substantial influence upon details of administration." Nevertheless we should not lose sight of the fact that in reality the Government was already in the hands of the Crown through the President of the Board of Control, even before the Mutiny, and that the transfer of 1858 marked a formal rather than any substantial change. The Government of India Act of 1858 empowered the Governor-General of India or Council, with the sanction of the Court of Directors and the Board of Control, to take by proclamation under his immediate authority and management any part of the territories for the time being in possession or under the government of the East India Company and thereupon to give all necessary orders and directions respecting the administration of the Part, or otherwise provide for its administration.

The double government of the Court and the Board "with its division of powers and responsibilities" gradually passed to the cornicheon, anomalous and unsuited to the changed conditions, and the Mutiny gave it the death-blow. The Act of 1858 for the better government of India¹¹² which received the Royal Assent on the 3rd August of that year, provided that India should be governed "directly by and in the name of the Crown, acting through a Secretary of State, to whom were to be transferred the powers formerly exercised either by the Court of Directors or by the Board of Control." The Secretary of State was to be assisted by a Council of State members, of whom eight were to be appointed by the Crown, and

¹¹¹ M. G. Pickett, p. 21.

¹¹² P. Whitaker, Op. cit., Vol. I, pp. 136-37.

which were to be closed by the Court of Directors from among themselves.

Eighteen years after the transference of the Indian Government to the Crown, Queen Victoria assumed the title of Empress of India by the Royal Titles Act of 1876. Her successor, Edward VII, was proclaimed King-Emperor at the Durbar on January 1, 1903 and after him George V succeeded in 1911 to the title, which has come to be regarded as "the symbol of unity of the British Empire," and which "represents in a special way the sovereignty of the British nation in the Dependency."

The status and functions of the Secretary of State may be discussed from different points of view, such as (a) his relations with the Parliament, (b) his relations with the India Council, and (c) his relations with the Government of India.

(a) The Secretary of State for India is one of the principal Secretaries of State of His Majesty, and as such he is one of the Ministers of Cabinet rank, a member of one or the other House of the Parliament and also a party leader with some influence. His tenure of office is linked with the rise and fall of the party to which he belongs and the other members of the Cabinet he is responsible to the Parliament for his policy and actions. The members of the Parliament may put to him questions and supplementary questions regarding his department and may disapprove of his actions by passing a vote of censure. Thus the Secretary of State for India is thoroughly subordinate to the Parliament. Before the Reforms of 1919 his salary was not voted from the British Exchequer and as such the Parliament had no opportunity of ascertaining the policy of the India Office and the Secretary of State at the time of voting their expenditure. But this was changed by the Government of India Act, 1919, which laid down that "the salary of the Secretary of State shall be paid out of moneys provided by Parliament, and the salaries of his under-secretaries and any other expenses of his department may be paid out of the revenue."

rule of India or out of money provided by Parliament." As a member of the Cabinet, the Secretary of State for India is primarily responsible to this body, and in case of disagreement with the Prime Minister and his colleagues, he has no alternative but to resign. Though such contingencies have been rare, a notable one occurred a few years back when Mr. Montagu, the Secretary of State for India and a member of the Cabinet, had to resign owing to differences with his chief Lloyd George and his colleagues in the Cabinet. The Secretary of State has two assistants, the Permanent Under-Secretary and the Parliamentary Under-Secretary. The former being a member of the British Civil Service or no party official or member of the Parliament and he enjoys a permanent tenure. He is the executive head of the India Office bureaucracy. The latter belongs to the party in power, or a member of the Ministry though not of the Cabinet, and he vacates his executive office with the fall of his party.

(b) The Council of India was originally constituted by the India Act of 1858 to receive and hear the action of one man, the Secretary of State. As provided by the Act, the Council was to consist of fifteen members, of whom eight were to be appointed by the Crown and seven were to be elected by the Directors of the East India Company. The majority of the councillors were to be men who had served or resided in India for ten years at least, and had not left the country more than ten years before their appointment. Then it was thought that the Council would exercise "more control." Among other clauses of the Act was one which provided that "orders of the Secretary of State relating to expenditure and loans required the concurrence of a majority of the Council of India. But gradually the Council has been reduced to a subordinate position in three ways—(i) in its composition, (ii) in its powers and (iii) in the method of transacting business. The Government of India Act of 1858 "vested in the Secretary of State the right of filling all vacancies in the Council of India and changed the tenure of members of the Council from a

terms during good behaviour for a term of ten years."²³ The Act altered the Secretary of State's position at the cost of the Council's independence. As Sir Charles Dilke remarked in the House of Commons: "At the time the Council was appointed, the idea was to cast the power of the Secretary of State, that being held passed away, and it was now recognised on all hands that the Council should be a consultative and not a controlling body."²⁴ By the Council of India Reduction Act of 1893 the Secretary of State was allowed to "abstain from filing returns until the number of members could be reduced to ten". By the Council of India Act of 1907, the Council was made to consist "of such number of members not more than fourteen, as the Secretary of State may, from time to time, determine," and the tenure of the members was reduced to seven years, which could be extended by five years more. Lord Minto, the then Secretary of State added in that year two Indian gentlemen to his Council. It is true that the council retained its power of 'Financial Vote' by a provision of the Act of 1893, according to which "no grant or appropriation of any part of the Indian revenue or of any property coming into the possession of the Secretary of State by virtue of the Government of India Act, 1858, may be made without the concurrence of a majority of votes at a meeting of the Council of India." But the responsibility of the Secretary of State 'for questions of high policy' to the Parliament and not to his Council rendered this constraint ineffective in actual practice.²⁵ It was in fact, "regards Prof. Doherty, 'too great a power for so small and unrepresentative a body as the Council of India to assert effectively.'²⁶ Under these, the Secretary of State's extraordinary powers of suspending his Council and his special privileges in matters of urgency and secrecy have increased the subordination of the Council

²³ Elliot, *Historical Introduction*, p. 109.

²⁴ Doherty, *Sketch of the History of India*, p. 27.

²⁵ Ibid., p. 27.

Lastly, the method of transacting business in the India Office and in the Council of India through Committees has also tended to penetrate the same result.¹² In short, instead of being a check on the power of the Secretary of State (as intended by the Statute of 1858) the Council has been reduced to the position of his dependent tool.

(ii) In studying the relations of the Secretary of State with the Governor-General and the Government of India we should note that so far as statutory positions are concerned the former is authorised by the Act of 1858 to "direct and control the latter." But great controversies have raged round the question of their mutual relations. All believed in 1858 that the executive power lay with the Government of India. Even later on Macaulay described the Government as set up in 1858 as "an executive machinery in India subject to a controlling machinery in England."¹³ In the early stages Burt Fane pointed out that the Secretary of State should act as the "representative and colleague of the Viceroy in the Cabinet and Parliament, and as the exponent of the Viceroy's measures to the English Parliament and people."¹⁴ Various events increased the importance of the Home Government and contributed to fortify the position of the Secretary of State vis-a-vis the Government of India. Even the impediment of geographical isolation and distance was annihilated in 1870 by the completion of a direct telegraph line between India and England by submarine cable through the Red Sea. The Secretary of State "could thus less than ever be contrasted with accomplished fact" "¹⁵ he meant to exercise greater control over the Government of India by issuing detailed and positive orders, and friction naturally arose between the two.

When in 1859 Lord Mayo's Government¹⁶ as a whole protested at being required to pass the Bills which before the

¹² See: *India Administration*, p. 101.

¹³ Quoted in *India*, Op. cit., p. 29.

¹⁴ Ibid.

Contract Act and the Evidence Act in the shape in which the Secretary of State on the report of the Indian Law Committee caused approved of them, on the ground that such a course deprived the legislative council of all liberty of action, the Home Government proceeded to assert their right of control in the most emphatic manner.⁷¹ The tension came to a head during the Vice-regency of Lord Northbrook, and the Secretarieship of Lord Salisbury in the Durbar administration. Lord Northbrook⁷² "recognized the subordinate position of the Vicerey, but he held that Parliament had conferred certain rights, not only on the Vicerey, but on his Council, which differentiated them in a very notable degree from subordinate officials."⁷³ He used to assert the independence of his Government in fiscal matters, but Mr. Durbar's Government were equally decided in affirming their constitutional rights:⁷⁴ "It is not open to question that Her Majesty's Government are as much responsible to Parliament for the Government of India as they are for any of the Crown Colonies of the Empire.... It necessarily follows that the control exercised by Her Majesty's Government over financial policy must be effective also."⁷⁵ Lord Ripon as the Vicerey of India, protested against the "unlawful control" of the India Office. "I am not sure," he said, "that if I had known exactly how matters stood I would have come out here (India)."⁷⁶ A strong assertion of the theory of Parliamentary supremacy over the Government of India was made in 1891 by Sir Henry Fowler, the Secretary of State, on the occasion of the Coronation Bill.

Of course "the intensity of control must vary with the minister chosen by Parliament on whose behalf the Secretary of State exercises his powers. The relations between Simla and Whitehall vary also with the personal equation."⁷⁷ A strong Viceroy like Lord Curzon thus advised to the members of the

⁷¹ M. C. Roper, page 34.

⁷² *Memo. Libs. of Northbrook*, p. 33.

⁷³ M. C. Roper, page 34.

⁷⁴ *Ibid.*, page 33.

Council of India." is done in threat and bolder his work — and felt himself compelled to resign because he was annoyed by the Home Government.⁷⁷ The issue was raised again when Lord Wellesley was the Secretary of State for India.⁷⁸ General J. H. Morgan has rightly noted about Wellesley that "no more unfortunate Secretary for India ever reigned at Whitehall, none ever reviled his Council less and none ever admired a Viceroy more."⁷⁹ The view is strongly confirmed by Wellesley's own *Recollections* and in a letter from Lord Minto to Lord Stamford, dated 5th July, 1850. Lord Wellesley maintained that the "British Cabinet, through the Secretary of State, had an inexpressible right, subject to law, to dictate policy, to issue instructions, to reject proposals, to have the last word in every question that arose and the first word in every question that in their view, ought to arise."⁸⁰ Lord Wellesley claimed the liberty to disagree directly with any official and appointed a subordinate class in the matter of appointing Lieutenant-Governors. Lord Minto, the Viceroy of India, bluntly rejected. He wrote to one of his relatives: "No one for so instant does the Secretary of State's) supreme control, but that must be taken together with the powers given to the Government of India by various Acts of Parliament, which evidently intended that the direct administration of India should be entrusted to the Government of India, always of course subject to the supreme control of the Secretary of State. But the present Secretary of State does not read the Act in that way, and claims his right to interfere with and command every individual in India... . Legally his position may be sound, but constitutionally it is impossible."⁸¹

⁷⁷ *Recollections*, Chapter, Vol. II, p. 227.

⁷⁸ *Indian Empire*, by Sir V. Chaudhuri.

⁷⁹ Quoted in Cambridge History of India, Vol. VI, p. 207.

⁸⁰ Reference may be made to Lord Wellesley's article entitled *British Democracy and Indian Government* in *Newarrelli Century and After*, February 1911.

⁸¹ Quoted in Deshpande, Op. cit., pp. 28-29.

According to Section 35 of the Government of India Act, 1935, the Governor-General in Council "¹ is required to pay due obedience to all such orders as he may receive from the Secretary of State and then, by the exercise of the powers of control over Indian Finance, legislation and administration inherent in the Secretary of State, the supervision of the British Parliament over Indian affairs is secured."² But though the legal and constitutional powers of the Secretary of State over the Government of India are so great and numerous, yet in the practical working of the machinery, the Governor-General being the man on the spot, his "old discretionary power has not altogether ceased."³ "The authority and position of the Secretary of State," said Lord Balfourhead on the 5th day of November, 1929, "⁴ are complementary of the authority and position of the Viceroy. Sometimes the special atmosphere in which the Viceroy lives, or the wholly different atmosphere in which the Secretary of State lives, may be the corrective of a rash impulse, whether that be formed in Delhi or in Whitehall."⁵ The Indian Statuary Commission expressed the opinion that as under the new constitution the Government of India "remain responsible to Parliament" to the "Governor-General in Council must continue to be subject, as at present, to the orders of the Secretary of State,"⁶ but he would have no direct control over the Provincial Governments, except in connection with the exercise of the special powers that are reserved to the Governor. Under rules which date from 1921 the Bills to be introduced in the Central Legislature in India "need not be referred for the approval of the Secretary of State in Council, unless they relate to a limited number of subjects, as for example, Imperial or military affairs, foreign relations, the rights of European British subjects, the law of

¹ Report of the Indian Statuary Commission, Vol. I, p. 29.

² Dabholkar, Op. cit., p. 40.

³ Quoted in Cambridge History, Vol. VI, p. 208.

⁴ Report, Vol. II, p. 394.

abolition the public debt committee, currency and shipping."

We have already reviewed the history of the India Council up to 1907 and its subsequent history may now be briefly narrated. Many Indian politicians including the late Mr. Gokhale had been of opinion that the India Council served no useful purpose and demanded its total abolition. The Dufferin Committee of 1909, appointed to consider plans for the re-organisation of the India Office, also shared the same opinion. But the writers of the Minto-Chelmsford Report and the Joint Parliamentary Committee recommended its retention with certain changes in composition and functions. The Act of 1919 introduced the following changes on the basis of these recommendations.—The Council of India shall consist of such number of persons, not less than eight and not more than twelve, as the Secretary of State may determine. The right of filling any vacancy in the Council remained as before with the Secretary of State. Half the number of the members must be persons who have served or resided in India at least for ten years and have not left India more than five years before the appointment. The term of office was reduced to five years instead of seven as before. The Secretary of State retained the power of reappointing a member of the Council for a further term of five years, the reasons for which he was to place before the Parliament. Each member was to receive an annual salary of £1,200 and the salaries and allowances might be paid either out of the revenues of India or out of money voted by Parliament. The Indian element in the Council was increased from two to three members. Section 25A of the Government of India Act of 1919 ceased the office of the High Commissioner for India. He was no longer to act as a servant and an agent of the Government of India and controllable by them his salary and that of his establishment being paid out of Indian revenues. He has been charged with all agency and consequential business which had been hitherto transacted by the Secretary of State in Council for the Government of India. Powers of all sorts for the Govern-

most of India, other than military stores, the Indian Statuary Department, the trustee of pensioners in the Civil Service, passes, purchase of spares, etc., have been made over to him. Sir William Mayer was the first High Commissioner. The High Commissioner's services "have often been called in to represent India on important international conferences." Sir Anil Chatterjee K.C.I.E., was the leader of the Government team at the Indian delegation to the International Labour Conference and he represented India on the governing body of the International Labour Organisation. The proposals of the Indian Statuary Commission do not affect the position of High Commissioner very much, except that as being the agent of the Provincial Governments he "will no longer be subject even indirectly to decisions by the Secretary of State or the Government of India."¹¹ Under the new constitution the High Commissioner will be controlled by the Governor-General exercising his individual judgment, and may be authorized to act for a federated state, a province, or British.

Even after the Reforms of 1919 there has been a strong body of opinion in India which regards the Secretary of State's Council "as a reactionary body which has stood in the way of constitutional advance." But in the opinion of the Indian Statuary Commission "it is essential that there should be a body of experts to whom the Secretary of State can have recourse for advice and information."¹² The functions of the Council are to be "essentially advisory," it should be reduced in size, and its members should be drawn from those having "recent experience" of India. The Commission also proposed that the new Act should provide for the creation by the Crown of a Council for Central India, consisting both representatives of the States and representatives of British India, which would serve to effect a closer association between British India and the Indian States "in matters of common concern."¹³

¹¹ Report, Vol. II, p. 218.

¹² Ibid., p. 228.

The Government of India Act 1935 provides for the dissolution of the India Council as it exists today but the Secretary of State would be guided by a body of advisers whose number would be not less than three and not more than six and who would be appointed by him. They would receive salaries worth £1,500 per annum which would be paid by Parliament and not by India as at present.

SECTION II

THE CENTRAL GOVERNMENT IN INDIA

The second half of the eighteenth century witnessed the gradual transformation of the East India Company from a mere trading corporation to an Indo-British power, and new responsibilities consequently developed upon it. The need of greater solidarity and coordination among the three Presidencies began to be felt, and the Parliament also felt the necessity of interfering in its affairs. The Regulating Act of 1773 marks the first important step in this direction. By it the Governor of Bengal becomes the Governor-General of Bengal, and he was empowered along with his Council to "superintend and control the government and management of the presidencies of Madras, Bombay and Bengal (in Bengal, so far as and in so much as that it should not be prejudicial to any Government of the minor presidencies to take any orders for commencing hostilities or concluding a mutual war, against any Indian prince or powers or for negotiating or concluding any treaty with any such prince or power without the previous consent of the Governor-General and Council, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the arrival of their orders, and except also in cases where special orders had been received from the Company."¹¹ The Governor-General and Council were required to obey the orders of the

¹¹ Elton, *Historical Foundations*, p. 48.

Cases of Directors and to inform them constantly of all matters concerning the interest of the Company. The *Amending Act* of 1781 tried to remove some of the difficulties connected with the operation of the *Regulating Act* and it empowered the Governor-General and Council "from time to time to frame regulations for the provincial courts and councils."¹⁴ Pitt's India Act of 1784 extended the control of the Governor-General and Council over the government of the minor presidencies to "all such points as relate to any transactions with the native powers, or to war, or to peace, or to the application of the revenues or forces of such presidencies in time of war." The Charter Act of 1793 distinctly associated the powers of the Governor-General over the whole of British India. After the vigorous search of British usurpation under Lord Wellesley and Lord Hastings, the title of the Governor of Bengal was changed into the Governor-General of India by the Charter Act of 1793. Now "the superintendence, direction and control of the whole civil and military Government in India was expressly vested in the Governor-General of India in Council." The Act of 1858, as already noted, empowered the Governor-General of India in Council, with the permission of the Home authorities, "to take by proclamation under his immediate authority and management any part of the territories for the time being in the possession or under the government of the East India Company and thereupon to give all necessary orders and directions respecting the administration of that part, or otherwise provide for its administration." This power was exercised by the creation of Chief Commissioners like those of Assam, Central Provinces and Burma to whom the Governor-General in Council delegated such "powers as need not be exercised by the Central Government." The Government of India was also empowered, with the sanction of the Home authorities, "to define the limits of the several provinces of India"; the Governor-General was no longer to bear the title of Governor

¹⁴ Ibid., p. 29.

of the Presidency of Bengal, which had been constituted into a Lieutenant-Governorship. At the time of the formal and direct assumption of the Government of India by the Crown in 1858, Queen Victoria referred to Lord Canning, the Governor-General designate, as the "First Viceroy and Governor-General." This new term "Viceroy," which is unknown to any law but has been more than freely used in practice, means that besides being the head of the Indian administration he stands also as the representative of the British Crown in its relation to the Princes and peoples of India.

"Appointed from among the most prominent public men in Great Britain, and usually discharging his task for a period of five years (which has not been fixed by any statute), the Governor-General occupies the most responsible, as it is the most prestigious and distinguished, office in the overseas service of the British Crown."¹² Lord Lansdowne wrote to his mother on February 8, 1888: "I am offered a magnificent post, the most responsible and honourable in the service outside England."¹³ He is a non-party official and holds his post irrespective of substantial changes in England.¹⁴ So long he has to work with the concurrence of the members of the Executive Council and with a popularly elected Legislature, he can override the opinion of both if he has, "in cases of emergency and stress." He presides over the Executive Council and can nominate a Vice-President from among the members for presiding during his absence. He has power to make rules for "the transaction of Council business, the allocation of portfolios among its Members, and the limitation of their scope." He can exercise his casting vote if there be an equality of votes in the Council on any particular question. In the Indian Legislature he can dissolve either chamber or can extend its

¹² Report of the Indian Statuary Committee, Vol. I, p. 177.

¹³ Quoted in *Std.*

¹⁴ Lord Roxburghe served under three different ministries.

life if he thinks it necessary. He may assent to, certify and veto bills and authorise such expenditure as he sole initiative "as he thinks to be necessary for the safety or tranquillity of British India at any particular time." During recent years the power of certification has been taken over to by the Vicerey on several occasions—*e.g.* in the case of the Prisoner Protection Bill, the drafting of the salt tax, the Finance Bill of 1924, etc. His previous assent is indispensably necessary for introducing measures on matters like the public debt or public revenues of India, religious rights and usages of British subjects, discipline of the army, foreign relations, provincial subjects and provincial laws. It also goes, the Governor-General has been given the power since 1861 to promulgate in an emergency, without consulting the Legislature, ordinances having force of law for six months (*e.g.*, Lord Irwin's ordinance embodying the Public Safety Bill). No new measure of importance can be initiated by the Governor of Province without consultation with all the general members of the Governor-General. Lastly we should note that he stands as the representative and symbol of the King-Emperor and has the "direct personal charge of the relations of India with foreign countries, and of British India with the various Indian States." All matters of importance concerning the Indian States, though issued in the name of the Government of India, "is a special concern of the Vicerey . . . The Vicerey is the link between British India and the Indian Princes. In this connection ceremonial visits and personal interviews take much of his time; and at the annual session of the Chamber of Princes it falls to him to preside."¹¹ The Governor-General and Vicerey of India thus enjoys a large powers holds a pre-eminent position. The Prime Minister of England presiding over the British Cabinet appears to be only first among equals . . . The Vicerey of India has the appearance more of a superior than an equal; constitutionally speaking the distance between him and his colleagues is far

¹¹ Report of the Indian Statuary Committee, Vol. I, p. 129.

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greater and much more fundamental than that between the Prince Regent and his colleagues in the Cabinet."²³

The Indian Statutory Commission was opposed to the introduction of dyarchy at the centre and emphatically recommended that "unity in the central executive must be preserved as all eyes . . . the Governor-General must continue to be not only the representative of the King-Emperor in all formal and ceremonial matters but the actual and active head of the Government . . . the influence, advice and direction of the Viceregy for the time being will certainly be needed for many years to come if the constitutional progress of India is to be successfully promoted."²⁴ According to the Government of India Act 1935, the viceregal state of India will be transformed into the Federation of India comprising Governors' provinces, Chief Commissioners' provinces, and Federated states.

A brief account of the Central Executive Council and the Central Legislature may be attempted here. In tracing the history of the Central Executive Council we find that before the Regulating Act of 1773 the Governor of the Presidency at Fort William in Bengal consisted of a Governor (who was entirely independent of those at Madras and Bombay) and ten councillors.²⁵ The Act of 1773 placed the control over the Company's affairs in India in the hands of the Governor-General and a Council of four members. But the quarrels between Hastings and his hostile colleagues rendered a reform necessary. By the Act of 1784²⁶ the number of the members of the Governor-General's Council was reduced to three, of whom the Commander-in-Chief of the Company's forces in India was to be one and to have precedence next to the Governor-General. This Act left the Government in India "vested in the majority of a constantly-changing Council."²⁷ Consequently an Act was

²³ Palens, Indian Administration, p. 58.

²⁴ Report, Vol. II, pp. 126-128.

²⁵ Sturzaker, *Prayer in the East Indies*, Vol. I, p. 493.

²⁶ Chomka, Indian Policy, p. 23.

passed in 1861, when Lord Canning accepted the office of the Governor-General, which empowered the Governor-General to overrule the Council and to act on his own responsibility in matters of great importance in extraordinary cases. This power, modified and slightly extended by an Act of 1870, has been seldom exercised, though Lord Lytton used it in 1879 to exempt imported cotton goods from duty. The Act of 1861 added to the Council a fourth ordinary member—the Law Member, "who was not to be one of the Company's servants and was not to be entitled to sit as member of Council except for legislative purposes." By the Act of 1863 the Law Member of the Council of the Governor-General was made a full member of the Council and was given the right to sit and vote at its executive meetings as well. In 1869 a project was formed for abolishing the Council altogether, but instead of that the Indian Councils Act of 1861 increased the number of the ordinary members of the Council from four to five, "three of whom shall . . . be from among such persons as shall have been at the time of such appointment in the service in India . . . for at least ten years," and of the remaining two "one shall be a barrister, or a member of the Faculty of Advocates in Scotland, of not less than five years' standing." The Secretary of State's power of appointing the Commander-in-Chief as an extraordinary member was retained. At this time Lord Canning centralized the portfolio system in the Government of India by which the ordinary work of the Departments was distributed among the Ministers, the Governor-General himself holding charge of the Foreign Department, and matters of greater importance were referred to the Governor-General or dealt with collectively. These rules, remarks Prof. Dadwell, "whether or not designed to replace the scheme for abolishing the Council altogether . . . have undoubtedly reduced the importance of the Council, and increased the effective influence of the Viceroy over it."¹² But it should be

noted that the comparative efficiency of the Vicerey and his Council depended on the personal equation. Further modifications were introduced by the Government of India Act, 1909, which transferred from the Secretary of State in Council to the Crown the power of filling up vacancies among the members of the Council and also by the Indian Councils Act of 1911, which made provision for the appointment of a sixth member for public works. In 1908 the clause specifically appointing him for that particular department was repealed. The Morley-Minto Reforms of 1909 provided for the appointment of qualified Indians to the Council. Mr. S. P. (afterwards Lord) Swarup Singh being then (March, 1909) appointed Law Member. Lord Swarup Singh being then (March, 1909) appointed Law Member by the Queen, he was succeeded by a Muhammadian barrister on whose retirement, a Hindu High Court Judge was appointed Education Member of the Council. The Act of 1911 introduced a few important changes in this sphere also. It removed the statutory restriction on the number of the members of the Council, allowed the Indian High Court Presidents of ten years' standing to become members, provided that Governors of Provinces should come to sit at extraordinary sessions when meetings of the Council were held in their territory, and it also gave powers to the Vicerey to appoint Council Secretaries from among the non-official members of the Legislative Assembly or the Council of State. No statutory provision was made for including a fixed number of Indians in the Council, but there were appointed on the recommendation of the Joint Select Committee in spite of some anomalies or reshuffling the portfolios after the Reforms, these remained substantially unaltered, and were allocated, apart from the Vicerey holding the portfolio of the Foreign and Political Departments in the following manner : a Member each for the Army (the Commander-in-Chief), Home Affairs, Finance, Law Commission, Education (with Health and Lands), Industries and Labour.

The Indian Statutory Commission recommended that the responsibility of appointing members of the Central Executive Council should be transferred from the Secretary of State to the

Governor-General, that "direction as to number or qualifications of the Governor-General's Council should be expressed not in the statute itself, but in statutory rules made under the Statute. Such rules would, therefore, be subject to alteration without the necessity of passing a new Government of India Act, though the draft amendments may be laid before both Houses of Parliament, and the approval of both houses expressed by resolution".¹¹ The Commission also proposed that the Commander-in-Chief should be outside the Governor-General's Council. Duly, reported for the Provinces by the Provinces by the Indian Statuary Commission has been established in the Federation by sections 9, 10 and 11 of the Government of India Act, 1935. Federal subjects will now be divided into two groups—Reserved and Transferred. The Governor-General would administer the Reserved Group, which includes Defense, External Affairs, Exclusive Areas and Tribal Areas, with the advice of three Commissioners appointed by himself and not responsible to the Federal Legislature. The Transferred Group including the rest of the federal subjects would be administered by the Governor-General with the advice of a Council of Ministers, who as members of the Federal Legislature would be responsible to it. The Minister would be chosen and sworn in by the Governor-General, hold office at his pleasure and may be dismissed by him. The Governor-General is invested with Special Responsibilities in certain matters. These are (a) "Preservation of good measure in the peace and tranquillity of India"; (b) the safeguarding of the financial stability and credit of the Federal Government; (c) the safeguarding of the legitimate interests of minorities; (d) safeguarding the rights and legitimate interests of the services; (e) the securing in the sphere of executive action of the purposes which the provisions of Chapter III of part V of the Act (dealing with the prevention of controversial determination) are designed to secure.

in relation to legislation, (i) the prevention of action which would subject goods of United Kingdom or Burmese origin exported into India to discriminatory or penal treatment; (ii) the protection of the rights of any Indian State and the rights and dignity of the ruler thereof; and (iii) the exercise of the due discharge of his functions which have to be exercised at discretion or in individual judgment". Thus enormous powers have been concentrated in the hands of the Governor-General.

The Montagu-Chelmsford Report has rightly noted that "the grant of legislative power of the Government of India has embodied in Elizabeth's Charter (of 1600) which authorized the East India Company to make reasonable laws, constitutions, orders and ordinances" not repugnant to English law, for the good government of the Company and its subjects." But these powers were, as has been recorded by Sir Courtney Ilbert, "evidently modelled on the power of making by-laws commonly exercised by arbitrary municipal and commercial corporations. No copies of any laws made under the early charters are known to exist. They would doubtless have consisted mainly of regulations for the guidance of the Company's factors and apprentices."⁴¹ The subsequent charters of the East India Company increased those powers given by the original charter as circumstances changed. George II Charter of 1726 empowered the Governor-in-Council of the three Presidencies to make "laws, ordinances and regulations" in their respective jurisdictions. The Regulating Act of 1773 by subordinating the presidencies and councils of Bombay and Madras to the Governor-General and Council of Bengal, required the Madras and Bombay Governments to send copies of all their Acts and orders to Bengal.⁴² But we do not find that the Bengal Government "had any power of modifying them," and the Act of 1807 gave to the Governor-in-Council in Madras and Bombay similar power of making regu-

⁴¹ *Ibid.* 12.

⁴² *Historical documents*, pp. 3-10.

⁴³ M. C. Report, para 34.

laws as were passed by the Governor-in-Council in Bengal. Thus during this period the legislative powers were lodged in and were exercised by the Executive government in the three Provinces.¹¹

But the gradual growth of the Company's power and territorial dominion in India made more extensive legislation necessary. The Charter Act of 1833 marks an important step in the direction of "simplifying the legislative machinery" and also in correcting the evils of the past. It deprived the governments of Bombay and Madras of their power of legislation and empowered the Governor-General in Council "to make laws and regulations for all persons British, Foreigners or Native, and for all Courts (i.e., the Courts of the Company and the Supreme Court)." As we have already noted, Macaulay was appointed Law Member of the Governor-General's Council, and his "duties were to be confined to legislation. Law-giving by purely executive orders, such as had produced the three presidency codes of regulations, was thenceforth to cease."¹² But this reform proved inadequate, and so the Charter Act of 1853 made the legislative member of the Executive Council an ordinary member, and the Executive Council was enlarged for legislative purposes by the addition of six new members called legislative members—the chief justice and another judge of the Bengal Supreme Court, and four officials appointed by the provincial Governments of Madras, Bihar-Bengal and Agra. The Governor-General as president retained his veto over legislative proposals; the proceedings of the legislative sessions were made public. "This was the first recognition of the principle of local representation in the Indian legislature. . . . We find legislation for the first time resort to a special function of government requiring special machinery and special processes."¹³

¹¹ Ibid. p. 26.

¹² Ibid. p. 37.

¹³ Ibid. p. 37.

¹⁴ Ibid. p. 38.

But the Council as constituted by the Act of 1853¹¹¹ evinced an interventionist tendency to interfere with the Executive.¹¹² Sir Charles Wood complained to the House of Commons that the "council had become a sort of debating society or party parliament."¹¹³ Bowring and Macaulay continued to complain about the preponderance of Bengal, and the Sepoy Mutiny showed the necessity of associating the Indians in the legislation of their country. So the Central Legislative Council was reconstituted by the Indian Councils Act of 1861. This Act raised the number of the additional members from six to twelve; half of them were to be non-officials, who were of course to be nominated, and some seats were given to the Indians. The Act restored to the Government of Madras and Bombay the legislative powers which the Act of 1853 had withdrawn, but with this important distinction that the "previous sanction of the Governor-General was made requisite for legislation by the local councils in certain cases, and all Acts of the local Councils required the subsequent assent of the Governor-General in addition to that of the Governor."¹¹⁴ Again, the "power of local legislation bestowed by the Act of 1861 was not, as previously, exclusive; it was concurrent, so that, while a provincial council might, with the Governor-General's approval legislate for its own area, the legislative power of the Governor-General in Council was unimpaired and extended for all purposes over the whole of the Indian territories under the British Crown. The concentration of authority at the Centre thus persisted."¹¹⁵ It should not be thought that the Legislative Councils as established under the Act of 1861 constituted governments of responsible Government. Their functions were "strictly limited to legislation. They were expressly forbidden to transact any business except the consideration and

¹¹¹ *Governor of India*, Vol. IV, p. 180.

¹¹² M. C. Report, p. 42.

¹¹³ Ibid.

¹¹⁴ Report of the Indian Statutory Commission, Vol. I, p. 105.

enactment of legislative measures, or to ascertain any measure except a motion for leave to introduce a Bill or having reference to a Bill actually introduced.¹¹⁴ But there was an advance in the direction of representation in the next stage, which was reached in 1892. The Indian Councils Act of that year provided that the Legislative Council of the Governor-General was to consist of not less than ten and not more than sixteen additional nominated members. The minimum number of non-official members was brought up to ten, of whom five were to be brought in, one, on the recommendation of the non-official members of each of the four provincial councils, and one, on that of the Calcutta Chamber of Commerce. A session of indirect election was thus inaugurated.¹¹⁵ The Act also enlarged the function of the Council to the extent of holding discussions (though not voting) on the annual statement of revenues and expenditure, and also to put questions to the Executive under prescribed conditions and restrictions. The Morley-Minto Reforms of 1909 took another step at advances in representation. It raised the maximum number of the additional members of the Indian Legislative Council from 16 to 40, of whom not more than 20 could be officials, while 20 of the members were not only non-officials but were elected. There were now three classes of additional members,—nominated official members, nominated non-official members, elected members. The electorate created by the Regulations under the Act of 1909 may be divided into three classes:—(I) General Electorate, consisting of the non-official members either of the Provincial Legislative Councils or of the Municipal and District Boards; (II) Class Electorate, consisting of (a) Muhammadans &c., Commercial electors, (b) 'landholders' entrepreneurs, and (III) Special Electorate consisting of Corporations, the Chambers of Commerce, Universities, etc. Under the new regulations, of the 20 elected members of the Indian Legislative Council, 13 were to be elected by the non-official

¹¹⁴ M. C. Report, pages 87 and 88.

¹¹⁵ Report of the Indian Statuary Commission, Vol. I, p. 106.

members of the Provincial Legislative Councils, one member from the special "landholders" constituencies in each of the six provinces, Bengal, Bombay, Madras, U.P., Bihar and Orissa, and the C.P.; six members by special Muhammadan constituencies—two from Bengal and one each from Bombay, Madras, Bihar and Orissa and the U.P.¹¹ and two by the Chamber of Commerce of Calcutta and Bombay. It should be noted that seats were distributed in the Central Legislative Council in such a way as to ensure an official majority, and Lord Morley justified it by declaring that the Governor-General's Council "in its legislative as well as executive character, should continue to be so constituted as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes, and must always owe, to His Majesty's Government and to the Imperial Parliament."¹² The Executive control over Legislative functions remained. Lord Morley plainly declared on 10th December, 1908, "It could be said that this chapter of reform led directly or indirectly to the establishment of a parliamentary system in India. It, for one, would have nothing at all to do with it."¹³ The functions of the Central Legislature were enlarged by this Act, for it was now given the power of moving resolutions and taking supplementary motions, subject to disallowance by the Governor-General or the ex officio President. But no further advance in the direction of responsible or parliamentary Government was contemplated. It has been said that the Morley-Minto Reforms "left the Government of India an autocracy but it was an autocracy which was in touch with popular opinion, though seldom influenced by it." But unexpected resistance manifested itself in the course of its working. The official members came to be organised into a bloc which voted like an autocracy and opposed non-official

¹¹ There was introduced the principle of communal representation which has since then had to make up against Indian political opinion up to present time.

¹² Quoted in *ibid.*, pp. 118-9.

proposition whether just or unjust. The non-officials, on the other hand, had no function but to criticize, and their criticism, in view of the official bias in the Supreme Council and the majority of official and nominated votes in the Province, carried but little weight with the Government.¹¹

The authors of the Montagu-Chelmsford Report pointed out the defects of the arrangements of 1909¹² and recommended an overhauling of the whole system in view of the changed conditions after the Great War. The Government of India Act of 1919 introduced a bicameral system in the Central Legislature, and the old Legislative Council of India was replaced by two chambers, the Legislative Assembly and the Council of State each chamber having its own President. The President of the Council of State was appointed by the Governor-General from among the members of the Council, he could also appoint other persons to preside "in such circumstances as he may desire." The President of the Legislative Assembly was for the first four years appointed by the Governor-General,¹³ and then elected by the Assembly with the assent of the Governor-General.¹⁴ There was also a Deputy President of the Assembly from the beginning who was elected by the Assembly and approved by the Governor-General. The Council of State continued for five years, and the Assembly for three years. But the Governor-General had the power of dissolving either chamber, or, in special emergencies, extending its life.

The composition of both the chambers has to be fixed according to statutory rules. The Council of State was to consist of 60 members, of whom 34 were to be elected, the rest were to be nominated, not more than twenty being

¹¹ "Round Table," *The Working of Ourselves in India* p. 7.

¹² M. C. Report Chapter IV.

¹³ The First President was Mr. (Baron) Sir A. H. Whyte Kennedy M.P.

¹⁴ The law (No. V.) said that one was distinguished above Presidents.

" official members." The Council of State roughly corresponded to the Upper House or Second Chamber of other countries, and was intended to serve as a sobering and refining agency against the hasty legislation of the "radical heads of a state." Its franchise was therefore extremely restricted. Property qualifications were "gratified as high as to ensure the representation of wealthy landowners and merchants; previous experience in a central and provincial legislature, service in the chair of a municipal council, membership of a University Senate and similar tests of personal standing and experience in office," qualified for a vote. Election were for the most part grouped in conservator constituencies, thus there was one member of the Council of State who was elected by the Muhammadans of the Mysore Presidency, and four who were elected by the non-Muhammadans of that province. The State of the Punjab had a member. There was one member elected by the general constituency of Baroda, and another by the Chamber of Commerce.¹ Representing mostly the vested interest in the country, the Council of State had an oligarchical character and outlook. All Bills which had to be passed late as Act were sent to it for its assent. So far as its financial powers were concerned, the annual budget was presented before it at the same time as before the Assembly, it could open a general discussion on the budget and on the financial policy of the State, and the Finance Bill consisting all proposals of taxation was sent up to it for its assent and could be accepted, amended or even rejected by it. But the Council of State could not veto particular grants demanded by the heads of various departments: this power belonged exclusively to the Assembly.

The Legislative Assembly was the more democratic Chamber in the Indian Legislature, having a close elected majority. It consisted of elected official and nominated non-official members. In the last group were the sole representative of the "Depressed" classes, the sole representative of the Indian Christians, and the sole representative of the Anglo-Indian community, and nominated non-official from the North West

Frontier Province, another representing Labour interests, and another the Associated Chambers of Commerce. They all together constitute the "official bloc." Indeed most of the members of the Governor-General's Council, important members of the Government of India's Secretariat (such as the Military Secretary and the Foreign Secretary), or nominated representatives of the Provincial Governments.⁴⁴ The Legislative Assembly represented different communities, classes and interests in India. The franchise for it was based on high electoral qualifications, which varied in different provinces. All central legislation were to be presented before it as before the Council of State. But if the Governor-General certified that any Bill "is material for the safety, tranquillity or interests of British India, or any part thereof," then it became law on the signature and approval of the Houses of Parliament, even if it was subsequently passed by either of the Chambers, or rejected by both. Instances of the exercise of this power of certification are : (1) in 1922 Lord Reading certified the Assembly by certifying the Princes' Protection Bill ; (2) in (3) in 1923 and 1924 the several Finance Bills were certified ; (4) in 1925 the Bengal Criminal Law Amendment Act, certified by the Governor of Bengal, was supplemented by the Governor-General's certificate. Another limitation on the legislative powers of the Central Legislature is contained in Section 77 of the Government of India Act of 1919, according to which the previous sanction of the Governor-General was required for the introduction of any measure affecting—(i) the public debt or public revenue of India, or imposing any fresh charge on the revenues of India ; (ii) the religion or religious rites and usages of any class of British subjects in India ; (iii) the discipline or maintenance of any part of His Majesty's Military, Naval or Air Forces ; (iv) the relations of the Government with foreign powers or Native States ; (v) any measure—(i) regulating any provincial

⁴⁴ For composition of the Council of State and the Legislative Assembly, consult the tables given in the Report of the Indian Statistical Commission, Vol. 3, pp. 187-90.

subject, or any part of a provincial subject, which was not declared by rules under the 1919 Act to be subject to legislation by the Indian Legislature, (2) repealing or amending any Act of a local legislature, (3) repealing or amending any Act or Ordinance made by the Governor-General.

Section 25 of the Act of 1919 thus defined the financial powers of the Indian Legislatures :—

"(a) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both chambers of the Indian Legislatures in each year;

"(b) No proposal for the appropriation of any revenue or money for any purpose shall be made except on the recommendation of the Governor-General.

"(c) The proposals of the Governor-General in Council for the appropriation of revenue or money relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration, unless the Governor-General otherwise directs :—

"(i) issues and arrears and charges on loans;

"(ii) expenditure of which the amount is prescribed by or under any law;

"(iii) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council;

"(iv) salaries of chief commissioners and judicial commissioners;

"(v) expenditure classified by the order of the Governor-General in Council as—(i) administrative, (ii) political, (iii) defence."¹¹

¹¹ Thus the whole of the Army Expenditure was "covered". But the expenses for the Civil Secretary of the Army Department were

"(c) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the above heads, the decision of the Governor-General on the question shall be final.

"(d) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the above heads shall be submitted to the vote of the Legislative Assembly in the form of demands for grants.

"(e) The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

"(f) The demands as voted by the Legislative Assembly shall be submitted to the Governor-General in Council who shall, if he deems that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to notwithstanding the withholding of such assent, or the reduction of the amount therein referred to by the Legislative Assembly.

"(g) Notwithstanding anything in the section, the Governor-General shall have power in cases of emergency, to make such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof."

In studying the relations between the two chambers of the Indian Legislature, we should note that in all bicameral systems of legislature, conflicts between the two chambers have been very common, and means have also been provided for getting over consequent deadlock. In India also there were chances of conflicts between the two chambers, "as different in con-

cerning the classes, and also it is known that the Governor-General is given powers which enable Army Expenditure as a whole to be determined by the Legislative Assembly, though no vote on it can be taken." Report of the Indian Statuary Committee, Vol. I, p. 106.

position "but have equal status and almost equal powers. So the Government of India Act provided three "methods for avoiding or removing such differences"—(i) *Joint Conference*, (ii) *Joint Conference* and (iii) *Joint Sitting*. The former required a formal resolution in each chamber, and each nominated an equal number of members, and it was intended to forestall differences and to expedite the passage of a particular Bill; the second measure was adopted when a difference of opinion had already arisen, and in the Joint Conference each chamber was represented by an equal number of members, but no decision was taken; thirdly, when the originating and the revising chambers "failed to reach agreement within six months of the passing of the Bill by the originating chamber" it rested with the Governor-General, in his discretion "to convene a Joint Sitting of both chambers," at which those present deliberated and voted upon the Bill in the shape given to it by the originating House, and on the amending amendments. The decision thus taken was considered to be the decision of both chambers. Lastly, we should note that when there was a case of conflict between the chambers which was complicated by the disagreement of the Governor-General with either chamber, the Governor-General might prevent the deadlock by using his extraordinary power of certification.

The relations of the Executive to the Legislature may now be briefly stated. The proper articulation of governmental powers is essential in a democratic state: in England, for example, the battle of liberty has all along been fought with the motto of subordinating the Executive to the Legislature, though in recent years the Cabinet has realized some decentralised powers.¹¹ As the final goal of British policy in India has been announced to be the progressive realization of responsible government and the development of Parliamentary institutions one may very well inquire how far the Executive in the Indian

¹¹ Lord Chief Justice Hewart, *The New Despotism*, and Matthew Macmillan, *British as Discovered*, Chap. III.

Constitution is subordinate to the Legislature or on the way to it. As we have already noted there was no question of supplanting Parliamentary government or of subordinating the Legislature to the Executive in the Council Act of 1869.¹⁷ The Legislature as created by that Act could only use declaratory statutes, which as late Sir Surendra Nath Banerjee remarked, "did no deal harm, and beat its head against stone walls." Through the Act of 1872 introduced many changes, yet from strictly legal and constitutional point of view the Governor-General in Council remained responsible only to the British Parliament, and retained its old autocratic power.¹⁸ But in actual practice, the Legislature after 1919 with democratic recognition and enlarged powers often exerted an indirect influence on the Executive. The contact of the members with the elected representatives influenced the Government to some extent. Sir William Harcourt once remarked that "the value of political heads of departments is to tell the officials what the public will not stand."¹⁹ Sir Malcolm Hiley, speaking a few years back in the Legislative Assembly, described the Government of India as having become, after the Reforms, irresponsible if not responsible to popular opinion, and its actions as having become indicative of not realisation of the popular viewpoint.²⁰ But the experience of the last few years shows that even if the quality and the quantity of the Legislature's indirect influence be assured and proved to be great, the fact of its uncertainty and its allowance by mere statutory enactment is a great want from its utility and value.²¹ Further, as an other author writes,²² has remarked, "the most important characteristic of the Central Government is that it establishes,

¹⁷ *Indian Administration*, p. 47.

¹⁸ A. G. Sutherland, Life of Sir William Harcourt, Vol. I, p. 222 quoted in Report of the Indian Statutory Commission, Vol. I, p. 231.

¹⁹ Pollock, *Indian Administration*, p. 91. Compare the recent interview of the Prime Minister, 1947.

²⁰ "Great Power," *The Working of Democracy in India*, p. 72.

as is more emphasised here, the anomalous structure of a parliamentary body possessing an elected non-official majority without ultimate responsibility on any matter. It is given the power to vote but no responsibility attaches to its use. An irresponsible vote is the most discrediting of political influence."

The Indian Statutory Commission on the other hand emphasized the importance of the influence of the Central Legislature on the Central Executive¹¹ in all fields of administration and legislation,¹¹¹ and suggested the following modifications in the Central Legislature:¹¹—(i) The Legislative Assembly, which should be called the Federal Assembly, will be constituted on the basis of the representation of the Provinces and other areas in British India according to population. Members representing Governor's Provinces will be elected by the Provincial Councils by the method of proportional representation which will ensure that members belonging to minority communities will be included in sufficient numbers in the Federal Assembly. Members will be returned from the North-West Frontier Province and other areas outside the Governor's Provinces by methods appropriate to each case. The official members of the Federal Assembly, will consist of such members of the Governor-General's Council as sit in the Lower House, together with twelve other nominated officials. (ii) The Council of State will continue with its existing functions as a body of elected and nominated members chosen in the same proportion as at present. Its members, who must have high qualifications, will, as far as they are elected, be chosen by Indian election carried out by provincial Second Chambers if such bodies are constituted, or, failing this, by the Provincial Councils. (iii) The existing legislative and financial powers of the two chambers of the Central Legislature will remain as at present, but the Federal Assembly will also have the special function of voting

¹¹ Report, Vol. II, pp. 146-6.

¹¹¹ Ibid., page 120-7.

certain indirect taxes, collected by a central agency, the net proceeds of which will fall into a Provincial Fund for the purpose of being distributed amongst the different units represented in the Federal Assembly."

The Government of India Act, 1935, provides bicameral system in the central legislature, the upper chamber being known as the Council of State and the lower house as the House of Assembly or Federal Assembly. The Federal Assembly will have a maximum tenure of five years but it may be dissolved earlier. The Council of State is a permanent body, one-third of the members retiring every three years. The Council of State will consist of 146 members for British India elected by the people, of whom six will be selected by the Governor-General at his discretion and up to 134 members for the States. The representatives of British India are to be chosen on a communal basis, and the representatives of the States are to be appointed by the Rulers of the States concerned. Elections to the Council of State would be direct. The Federal Assembly is to consist of 250 representatives of British India and not more than 125 representatives of the Federating Indian States. Elections to the Federal Assembly are to be indirect, that is, the representatives of British India are to be mostly elected by the Legislative Assembly of the province whenever there are two houses. Both the chambers have exclusive powers almost in all respects. When they differ on a financial or legislative issue, the Governor-General would arrange for their joint sitting.

SECTION III

THE PROVINCIAL GOVERNMENT

The first petty possessions of the East India Company grew into the full-blended British Indian Empire in the course of a century and a half, through a long process of acquisitions and conquests, under varied circumstances. Administrative

arrangements for consolidating them therefore followed in successive stages, and division of British India into provinces could never be made on purely scientific or political principles; considerations of ethnic, linguistic or cultural groupings, of economic or political units, have subsequently crept in, and the distribution of the Provinces has many critics nowadays, but it must be remembered that the historical acquisition of British dominions in India is the chief source of the difficulty.

The Bombay and Madras Presidencies have remained unchanged under a Governor-in-Council. The Charter Act of 1853 gave authority to the Directors either to consolidate a new province with a Governor and Council, or to appoint a Lieutenant-Governor. In 1854 Bengal was placed under a Lieutenant-Governor, and this arrangement lasted in the Province till 1862 when it was again raised to the status of a full-fledged Government. A Lieutenant-Governor was appointed for the Punjab in 1859. Peshawar was part of Bengal till 1824 when it was placed under a separate administration under a Lieutenant-Governor as the North-West Province. Orissa was annexed in 1856, and remained under a Chief Commissioner till 1877, when it was merged in the North-Western Province. In 1862 it was renamed the United Provinces of Agra and Orissa under a Lieutenant-Governor, and in 1901 it was constituted a Governor's Province. An Act of 1914 empowered the Governor-General in Council, with the sanction of the Director and the Board, to appoint Chief Commissioners for newly-acquired territories. Accordingly in 1911 the Central Provinces were formed by uniting the Seiger and Narwar districts with the Nagpur territory in one charge under a Chief Commissioner. Bund being leased in perpetuity to the British by the Nizam of Hyderabad was in 1903 linked with the Central Provinces, and in 1939 there became a Governor's Province. Congress in Lower Burma were placed under a Chief Commissioner in 1862. Upper Burma was annexed in 1886 and was joined to British Burma to form the Chief Com-

provinceship of Assam, it was placed under a Lieutenant-Governor in 1857, and became a Governor's Province in 1903. Assam was separated from Bengal and was placed under a Chief Commissioner in 1874. In 1903, by the di-lated partition scheme of Lord Curzon, Assam with the eastern half of Bengal was converted into a separate province under a Lieutenant-Governor. But when the partition of Bengal was annulled by the King in 1911, Assam was again converted into a Chief Commissionership but subsequently became a Governor's Province as well. Bihar and Orissa was also along with Assam, separated from Bengal and constituted as a province early in 1912 and was placed under a Lieutenant-Governor, and subsequently under a Governor. The North-West Frontier Province was created in 1901 by Lord Curzon from districts transferred from the Punjab and British Baluchistan, and was placed under a Chief Commissioner. It retained the status of a Governor's Province in April, 1932. British Baluchistan was converted into a Chief Commissionership in 1909. The small province of Daltai which came into existence on 1st October, 1912, Agara-Nurnur in Rajputana, Coorg, and the Andaman and Nicobar Islands are administered by Chief Commissioners. Recently Madras and Orissa have been created Governor's provinces.⁷¹

The Governor of a province with plenitude of powers and privileges is really the chief authority there. He was so long the ex-officio President of the Executive Council and could nominate a Vice-President to preside during his absence. Before the Reforms of 1919 he was the ex-officio President of the Provincial Legislatures, and though the Reforms abolished the anomaly, his powers over the Provincial Legislatures were still great. He had the power to summon, prorogue or dissolve the Legislative Council and to order fresh elections. His prorogation was necessary for the introduction of private members' resolutions for discussion in the Council. All Bills passed by

⁷¹ Keith, *A Constitutional History of India*, pp. 38-39.

the Legislature must receive his assent, and he possessed the extraordinary power of 'veto' against the Legislature with regard to all Bills including money-bills [i.e., confirmation of the Bengal Central Law Amendment Act] and of veto [e.g., Mahratta Landancy Bill and Calcutta Municipal Amendment Bill]. It was also expressly laid down by the Government of India Act of 1919 that no proposal for the appropriation of revenues or other moneys for any purpose could be made except on the recommendation of the Governor.

The Reforms of 1919 introduced the system of *deputy* or *dual government* in the Provincial Executive, that is, it now consists of two parts.—(i) the Governor with his Executive Council dealing with 'Reserved subjects.' (ii) the Governor acting with Ministers in relation to 'Transferred subjects.' The most important of the transferred subjects were—(a) Local Self-Government, i.e., matters relating to the constitution and powers of municipal corporations and district boards, (b) Public Health, Sanitation and Medical Administration, (c) Public Works, including Roads, Bridges, and Municipal Transport (except in Assam), (d) Education of Indians excepting certain universities and similar institutions, (e) Agriculture and Fisheries, (f) Cooperative Societies, (g) Excise, excluding cultivation, manufacture and sale or export of opium (which is a Central subject), (h) Forests, in Bombay and Burma only (i) Development of Industries, including Industrial Research and Technical Education. The principal Reserved subjects were—(a) Irrigation and Canals, Drainage and Embankments, Water Storage and Water Power, (b) Land Revenue Administration, including assessment and collection of Land Revenue, Land Improvement, and Agricultural Loans, (c) Finance Relief, (d) Administration of Justice, (e) Police, (f) Control of Newspapers, Books, and Printing Presses, (g) Prisons and Reformatories, (h) Borrowing money on the credit of the Province (i) Forests, except in Bombay and Burma, (j) Factory Inspection, Settlement of Labour Disputes, Industrial Insurance and Housing.

In tracing the history of the Provincial Executive Councils, we find that Pitt's India Act of 1784 provided for the creation in each province of a council of three members including the Commissioner-Chief of the Province, and since then the old Presidents of Madras and Bombay have been added by the Governor in Council, the Bengal Lieutenant-Governorship retained till 1909 without a Council.¹⁴ In 1853 the number of members of the Madras and Bombay Councils was reduced to two, but the maximum number was raised to four in 1858 through the actual number of the members of each of these Councils and also of that then created in Bengal remained three till the Reforms of 1919. The provinces under the charge either of Lieutenant-Governors or Chief Commissioners had no Executive Councils except in the province of Bihar and Orissa created in 1912 after the Partition.

After the Reforms of 1919, there was an Executive Council in each of the Governor's Provinces. The maximum number of Executive Councillors remained four, but it was laid down in the Act that one of the Councillors must be a man who at the time of appointment had at least twelve years' previous service under the Crown in India. There was no statute prescribing the distribution of the Executive Councillors between members of different races, in practice the distribution has been nearly equal. There were four members of the Executive Council in Bengal, Madras and Bombay, and in each case two of them were Indian. In the other provinces there were two Executive Councillors, one of whom was an Indian. All Executive Councillors were ex-officio members of the Legislative Council, but their tenure of office or emoluments did not depend on that body. The Governor presided over the Executive Council, or a Vice-President nominated by him from among the members of the Council. The decision of the

¹⁴ Secretary, India, *An Administration and Progress*, p. 44. Arguments for and against the introduction of a Council in Bengal may be studied in Chantrey, *India Policy*, pp. 167-17.

majority present, the President having a casting vote in case of a tie. But this rule was forfeited by the provision that " whenever any measure is proposed before a governor or council whereby the safety, tranquillity or interests of his province, or of any part thereof, are or may be, in the judgment of the governor, essentially affected and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the council dissent from that opinion, the governor may, on his own authority and responsibility, by order in writing, adopt, suspend or reject the measure, in whole or in part."

As to the Transferred subjects, the Governor was to be " guided by the advice of his ministers, unless he can sufficient cause of reason from their opinion, in which case he may require action to be taken in accordance with his advice." The Ministers were usually selected by the Governor from among the elected members of the Provincial Legislative Council and they held " office during his pleasure." As appears from subsection 2 of Section 4 of the Act of 1919, the Governor might, in exceptional cases, choose a nominated member or private non-member, especially when the Council was not sitting. It was also provided that if Ministerial Government cannot work, the Governor-Council or Council " with the previous sanction of the Secretary of State in Council, may dissolve or suspend the transfer of all or any subjects to the province, and thereupon any subject released for the time being into the possession of reserved subjects administered by the Governor or Council." But in ordinary practice the Ministers were primarily responsible to the local Legislature for their administration; their pay and the funds required for their departments were voted by that body, they were expected to enjoy its confidence and on an adverse vote of that body they had to tender their resignation. Thus we find here an application of the theory of the supremacy of the Legislature over the Executive part of the Government. But the presence

in the Legislative Council of a proportion of thirty per cent of nominated members, official and non official, and of representatives of special constituencies like those of landholders or of external constituencies like that of the Europeans was a "solid asset in the hands of the executive." The Ministers were very often more anxious to satisfy this rule than the elected members whose choice man he was supposed to be responsible to the Legislature than tended to be demonstrated into adherence to an irresponsible executive.¹¹ The Governor's interference in transferred subjects was also power; and the Secretaries, who were theoretically under the Ministers, had direct access to the Governor independently of the Ministers, and they had to keep the Governor informed of every important matter in their respective departments. However, the Joint Parliamentary Committee definitely recommended that the interference of the rest of the Government in the work of the Ministers should be as little as possible, and both the Majority and the Minority Reports of the Madras Committee reiterated this view.¹² The Ministers did not form a corporate body like the Cabinet in England, and there was really no joint responsibility, though something like it was sought to be established by way of a convention in a few provinces; notably in Madras, each minister was ordinarily responsible for his own department, and there was no provision in the law for mutual consultation of the Ministers.

Legally speaking, each half of the Provincial Executive was independent of the other, but in actual practice it was not possible to avoid mutual overlapping of Transferred and Reserved subjects.¹³ As a matter of fact, the division of subjects into "Transferred and Reserved" was in the nature of things, arbitrary, and did not give "the Transferred

¹¹ Palme, Indian Administration, p. 147.

¹² Report of the Indian Statuary Committee, p. 15.

¹³ *Ibid.*, p. 115. Report of the Indian Statuary Committee, Vol. I, p. 223.

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Departments autonomy within their own sphere.¹⁴ In his evidence before the Madras Committee, Sir K. V. Reddi, the first Minister of Industries in the Madras Government stated—“I was a minister for Development without the Forests. I was a minister of Agriculture sans Irrigation. As Minister of Agriculture, I had nothing to do with the administration of the Madras Agricultural Loans Act or the Madras Land Improvement Loans Act.” When there was any dispute about the jurisdiction of the Transferred and Reserved subjects, it had to be referred to the Governor whose decision in this matter was final. But in the preparation of budgets the Reserved and the Transferred halves had to be called together by the Governor to hold a joint meeting for providing each section with funds necessary for its administration. There was no separate finance (“panch”) for each department. In case of differences between the two halves about the allocation of funds, the Governor had the power to decide as he thought fit. It may be noted that the Report of the First Parliamentary Committee and also of Mr. Montagu that the Ministers and the Members should have mutual consultation and expression of opinion—that is, joint deliberation, was not realized except in Bengal and Madras to any extent.

It should be remembered that the dyarchy was declared to be an experiment before the establishment of full responsible government in the provinces. It was something like a bolt of compromise, and its inherent defects, combined with changes in the feelings and political ideas of the Indians, made its successful working impossible from the very beginning.¹⁵

The widely held view that the Reforms were hollow and disappointing, the Khilafat agitation and the non-cooperation movement, the absence of well-organized political parties in the legislative councils, the existence of communal and caste differences and the formation of political groups on that basis,

¹⁴ “Kerala Pana,” *The Working of Dyarchy in India*, pp. 43-44.

¹⁵ Chaudhury, p. 228.

financial difficulties and the consequent inability of Ministers to show any tangible results, and has been one of the severest defects of the novel machinery of joint government "united to render dynastic a falter."¹⁰ The Reforms Enquiry Committee was instructed in May 1924 with ten complaints under the Chairmanship of Sir Alexander Medlicott, the then Home Member of the Government of India and Leader of the Legislative Assembly, to enquire into the difficulties arising therefrom, or the defects inherent in the working of the Act of 1919 and to suggest future remedies. The following complaints were brought forward before it against the present provincial governments.—

- (i) the incapacity of the administration of reserved upon that of transferred subjects and vice versa;
- (ii) the absence of joint responsibility of the Ministers;
- (iii) the absence of joint deliberation between the two halves of the Government;
- (iv) the attitude of the permanent officials;
- (v) the difficulties in the way of Ministers among one of the overriding powers of the Governor under the Act;
- (vi) the control of the Government of India and the Secretary of State;
- (vii) (a) the measures of control exercised by the Finance Department:
- (b) the fact that under the rules the Finance Department is in charge of a member of the Executive Council who is also in charge of the spending department;
- (c) the disqualification of the Ministers for holding the portfolio of finance by reason of the Disqualification Rules."

¹⁰ *Kale Indian Administration*, p. 116.

All things considered, the Meldrum Committee did not condemn the dyarchy as completely unsuccessful or irreworkable. As the Governor of the United Provinces declared, it was "a complex, confused system having no logical base, rooted in compromise, and defensible only as a transitional expedient." But the Indian Statutory Commission admitted the force of the criticism against the system of dyarchy in the government of the Province. It remarked that the system did not really establish the "principle of the responsibility of the Ministers to the Legislature."¹¹ In its opinion, the rigid dyarchy was "a standing challenge which either ranges Ministers against the reserved half of government or exposes them to the charge of being the subservient tools of the bureaucracy."¹² The Commission recommended that "parliamentary dyarchy should come to an end in the sense that a unitary government should be established" that the conduct of provincial administration as a whole should be entrusted to a provincial cabinet, the members of which would be chosen by the Governor and would have joint responsibility for their action and policy whether they be elected members of the Legislature or not.¹³ Whether the Governor, when he forms his Cabinet after a general election, will include in it one or more non-elected persons who would thereupon become ex-officio members of the legislative council and ought to be known as Ministers like their colleagues is a matter which he will decide acting under the superintendence and control of the Governor-General.¹⁴ The Governor should have special powers of suspending the Minister in the following circumstances—
 "(a) to protect the safety and tranquillity of the province,
 "(b) in order to prevent serious prejudice to one or more sections of the community in comparison with other sections
 "(c) to secure the due fulfilment of any liability of Government.

¹¹ Report, Vol. I, p. 29.

¹² Report, Vol. II, p. 31.

¹³ Ibid.

in respect of items of expenditure not subject to the vote of the legislature. (d) to receive the carrying out of any order issued by the Provincial Government from the Government of India. (e) to carry out any duties which may be specially imposed on the Governor personally, such as duties in connection with some service interests and responsibility for bush-warred areas.¹¹ Articles 61-73 of the White Paper deal with the Executive in the Governor's Province. Article 61 provides that for the "exercise of advice and advising the Governor in the exercise of powers conferred upon him," there will be a Council of Ministers. The Ministers will be chosen by the Governor, will hold office during his pleasure and must become members of the Provincial Legislature. But the White Paper Scheme evolved success throughout India and was regarded as no definite step of advance towards the establishment of a really responsible Government.¹² The Government of India Act, 1935, abolishes the system of dynasty in the provinces and the dual character of the provincial government. There are no reserved subjects and no Executive Council of the Governor. The Governor will administer the provincial matters with the advice of a Council of Ministers, who would be members of the Legislature and responsible to it. The Legislature would fix their salaries and they would act on the principle of collective responsibility but the Governor has special powers in matters of law and order and he has special responsibilities almost similar to those of the Governor-General.

The history of the growth and the present position of the Provincial Legislature is an interesting and instructive study in tracing the origin of the legislative power of the provinces we find that in 1793 the Presidency of Bengal and in 1807 the Presidencies of Madras and Bombay were authorized to make independent regulations for their respective jurisdictions. The

¹¹ *Ibid.*, pp. 21-22.

¹² It was condemned even by Sir M. N. L. D. Palitamur.

Act of 1859, however, took away from the Governments of Madras and Bombay the power of independent legislation but this concentration of all legislative powers was fraught with defects. Madras and Bombay "enjoyed of the mere descent of authority which Bengal exercised. The bare extent of territory for which a single council legislated made it impossible for matters to be handled with adequate interest and experience."¹¹ Lord Canning thought that a partial return to the system which existed before 1854 "was advisable," and the Indian Councils Act of 1861 restored the powers of legislature to the Madras and Bombay Councils, which were also expanded by the addition of the Advocate-General of each Presidency and other nominated members, not less than ten and more than eight, at least half of whom were to be non-officials as was the case with the Governor-General's Council. No demarcation was made between the jurisdiction of the Central and the Local Legislatures; in particular, the "provincial section of the Governor-General was made responsible for legislation by the local councils in certain cases, and all Acts of the Local Councils required the subsequent assent of the Governor-General in addition to that of the Governor," and were made subject to disallowance by the Govt. The Governor-General was directed to establish a legislative council for Bengal and was empowered to establish subsequently similar councils for the North-Western Provinces and for the Punjab. In exercise of this power, legislative councils were established in Bengal in 1862, in the United Provinces in 1866, in the Punjab and Burma in 1868, in Lord Canning's province of East Bengal and Assam in 1869 (to 1902) and to the Central Provinces in November 1911.

But the legislative councils created by the Act of 1861 had none of the features of a legislature in a modern democratic constitution. These have been described by Lord MacDonald and Mr. Cowell as "councils by means of which the execu-

the government obtains advice and assistance in their legislation, and the public derive the advantage of full publicity being secured at every stage of the law-making process." The "loss made in the legislative councils" were "in reality the gains of Government." Public opinion, embodied in the Indian National Congress, exposed the inadequacy of the Act of 1861, and the Government thought it necessary to make a move. Hence came the Council Act of 1892 by which the Legislative Councils were enlarged, an elective element was introduced, and the Councils were given the limited right of questioning the Executive and of discussing budgets. The "functions of the councils were thenceforward to be more than merely legislative, or merely advisory," and this marked an advance over the older régime of 1861.

But events were moving quickly in India marked by the growth of political consciousness, and the Indian politicians demanded greater administrative reforms. So another step of advance came with the Morley-Minto Reforms of 1909, which effected important changes in the composition and functions of the Provincial Legislatures. These "were enlarged up to a maximum limit of 90 additional members in the larger provinces and 30 in the smaller, and the composition was so generally arranged as to give a combination of officials and nominated non-officials a small majority over the elected members except in Bengal where there was a clear elected majority."¹¹ The greater part of these additional non-official members were elected either by groups of local authorities, landholders, trade associations or universities. The Muhammadan community was given a special representation (not one in the Punjab, Bihar, and the Central Provinces) by the addition from two to five members to each council, chosen by the vote of a separate Muslim electorate. This was introduced the principle of "unreduced representation based upon the vote of a separate electoral roll, which has survived to the day and become a

¹¹ *Ibid.*, p. 36.

cardinal problem and ground of controversy at every revision of the Indian electoral system.⁷⁰ No less important were the changes in the functions of the Councils, which were again embodied by the Act as "dissent the Budget at length before it was finally carried, to propose resolutions on it, and to divide upon them. Not only on the budget, however, but on all matters of general public importance, resolutions might henceforth be proposed and decisions taken. The resolutions were to be approved and to operate as representations to the executive government."⁷¹ But there were certain matters like the army, foreign relations, Native States, on which no resolution could be moved, and the right was thus limited.

As we have already noted, Lord Minto had no desire to establish parliamentary and responsible government in India, and the 1909 Act left the Legislature as "essentially Council-laden Committee attached to the Executive."⁷² The authors of the Balme Scheme of 1919 justly held that "the reforms of 1909 afforded no answer, and could afford no answer, to Indian political problems. Narrow franchises and indirect elections failed to encourage in members a sense of responsibility to the people generally, and made it impossible, except in special circumstances, for those who had votes to use them with perception and effect. Moreover, the responsibility for the administration remained undivided; with the result that while Government found themselves far more exposed to questions and criticism than heretofore, questions and criticisms were unaffected by a real sense of responsibility, such as comes from the prospect of having to assume office in case The conception of a responsible executive, wholly or partly answerable to the elected councils, was not advanced. Power remained with the Government and the Councils were left with no functions but exterior."⁷³ They therefore declared

⁷⁰ Report of the Indian Statutory Commission, Vol. I, p. 116
⁷¹ *I.C. Report*

⁷² Hume, Macdonald, *The Government of India*, p. 48

⁷³ *I.C. Report*, para 81

that their first object would be to invest the Legislative Councils with real power.

This was in tune with Indian national aspirations; public opinion for a decade had demanded removal of the defects of the imperfect measure, and the Great War had once again suggestedly to change the philosophy of politics and of life and to prepare the ground for a change of policy and its declaration (1917).¹⁰ Imperialism had been subjected to severe strain and tests between 1914 and 1919, and statesmen thought it wise to strengthen the confidence of the colonies and dependencies. The Act of 1919 was thus able to make important changes in the composition and functions of the provincial legislatures. The Legislative Councils for each Province were to consist of members of the executive council, and of members either elected or nominated, 70 per cent of the members being elected members (30 per cent in the case of Bengal) and not more than 30 per cent "official members." The number of members of each council became much greater than that of the old legislative councils.¹¹ The constituencies were divided into two categories, general and special; the former including non-Mahomedan, Mahomedan, Indian Christian, European or Anglo-Indian or Sikh (in the Punjab) and the latter including Landholders, Universities, Pleasure, Mining (Planters or Miners in Bihar and Orissa and the Central Provinces) and Commerce and Industries. The question of communal elections was carefully discussed by the Montagu-Chelmsford Report¹² and it declared that they "were opposed to the teaching of history; that they perpetuated alien division; that they encouraged existing relations, and that they constituted a very serious hindrance to the development of the self-governing principle."

¹⁰ As provided by the Act of 1919, there were in Bengal, Madras, Bombay and the United Provinces respectively, 30 members, members of the members of executive councils; under the schedule in the Act of 1919, the total numbers for Bengal is 125, for Madras and the United Provinces 119, and for Bombay 111.

¹¹ *Ibid.* 227-231.

Nevertheless, the Joint Authors of the Report had to admit the principle of special electorates to the constitution they were framing and to extend it in the case of Muhammadans and Sikhs of the Punjab. Separate electorates were eventually also provided (although not contemplated by the M. C. Report) for Indian Christians, Anglo-Indians and Europeans. Certain seats were reserved for other minorities. For example, in Madras out of 65 seats allotted to non-Muhammadans, 23 were reserved for non-Brahmins and in Bombay 7 out of 46 non-Muhammadan seats were reserved for "Marathas and allied castes."¹¹ Thus wrote Prof. Kulkarni, "Instead of national and provincial or local politics, we now have communal politics."¹² The Governor was authorized to nominate the representatives of the backward classes and also of 'organized industry.' Besides 'general' and 'special' constituencies, there was another division between 'urban' and 'rural' constituencies. The franchise for the Councils was lowered and the several qualifications of a voter were based on (1) community, (2) residence, (3) occupation of a house, (4) assessment of income-tax, (5) receipt of a military pension, and (6) the holding of a land. Women suffrage was not directly established by the Electoral Rules, but the Legislative councils were given the power to reserve the six hours, and that was done in every province, though the number of women voters remained very small.

The functions of the Legislative Councils were enlarged and these can be studied under three heads, legislative, administrative and financial. Bills intended to be legally applied within a province were to be passed by the Legislative Council, whether it concerned the Reserved or the Transferred list of the Government. The Council could exercise administrative control in three ways—(a) by moving resolutions (b) by

¹¹ See Appendix II and Appendix IV of India Statuary Committee's Report, Vol. I.

¹² *Indian Administration*, p. 188.

peting questions and supplementary questions, (c) by moving votes of censure against the policy of the Government, and (d) by demanding adjournments of the House "when the House is in session, or a discussion on an important matter of public occurrence."¹⁶ With regard to the Legislative Council's financial powers it was provided that the budget for the administration of the whole province must be considered and passed by the Council. So far as the Transferred subjects were concerned, the Council could not draw up rules or clauses made on behalf of these. In the matter of Reserved subjects, the Governor was given the right of certifying that the expenditure provided for by the demand was essential to the discharge of his responsibility for the subjects. There were also four items on which the Legislative Council's vote was not required—(a) the provincial contributions to the Central Government, (b) interest and sinking fund charges on loans, (c) expenditure of which the "amount is prescribed by law," (d) the salaries and pensions of High Court Judges and the Advocate-General of the Province.¹⁷ The power of voting supplies could be exercised by the Council only once a year, and as the check of the Legislature on the Executive through the control of the purse-strings was not operative continuously¹⁸

The general powers of legislation of the Council were limited in two ways—(1) it had to take the previous sanction of the Home Government and the Government of India through the Governor for introducing certain Bills, and (2) the laws passed by it were of provincial character. Further, the Governor could certify, veto or reserve for the consideration of the Governor-General any Bill passed by a Provincial Legislature, if he thought it necessary for the safety and tranquillity of his Province. The control of the Council over the Transferred Departments was as might be said, but it was only indirectly exerted over the Reserved Departments by resolutions, directions

¹⁶ *The Working of Bifurcy in India*, p. 24.

¹⁷ *Ibid.*, p. 42.

and the reduction of demands or token cuts. It has, it may be said that though the reforms of 1919 marked an important step in the growth of responsible Government in the provinces, the Legislature's control over the executive, which is the most indispensable element in a democratic constitution, remained unbroken.

The Indian Statutory Commission recommended that the provincial legislatures should be based on a widened franchise by almost tripling the existing electorate and by admitting a larger number of women voters. Certain communities should have separate representation till satisfactory agreement is reached upon a better method and there should be reservation of seats for the depressed classes. The Provincial Legislatures should be enlarged and the constituencies should be of a more manageable size. There was no unanimity of opinion among the members about the establishment of Second Chambers in the provinces.

Under the new constitution, the provinces of Madras, Bombay, Bengal, the United Provinces, Bihar and Assam have two chambers, Upper and Lower, namely, the Legislative Council and the Legislative Assembly, while the others have only one chamber, the Legislative Assembly. The Legislative Council is a permanent body, one-third of its members retiring every three years. The Legislative Assembly will sit for five years but may be dissolved earlier. Representation in the Legislative Assembly was settled by the Compton Award of 4th August, 1919, as modified by the Poona Pact of 25th September, 1921. Representatives to it are elected by separate electorates for each community and a number of seats out of the general seats are assigned to the so-called depressed classes,—officially the scheduled castes. About 16 per cent of the total population of India has been now enfranchised and women have got a much wider franchise so that six million women (against 165,000 under the Act of 1919) have received the right to vote, compared to 29 million men. In most respects the powers of the two chambers are equal but the Legislative

Council is not related to save expenditure in the provincial budget. There are votable and non-votable items in the provincial budget, the legislature having no control over the latter.

The relations between the Government of India and the Provincial Governments should also be considered in this connection. The Government of India has continued to be a unitary Government, with entire responsibility to the Parliament of England for its works, and so long the provinces being created to serve administrative efficiency promised to be dependent on the Government of India. As have been noted in the Macaulay-Chandlers Report: "the local governments are literally 'the 'agents' of the Government of India. Great powers have been delegated to them because no single head could support the Administered land . . . the last chance of making a Federation of British India was in 1776, when Bombay and Madras had rights to surrender. The provinces have no treasuries of their own, and therefore have nothing to surrender in a federal. The Government of India must give and government must receive."¹²²

The bonds connecting the Government of India with the Provincial Governments may be studied under three heads — (i) Finance, (ii) Legislation, (iii) Administration.

(i) Even after the Acts of 1853 and 1858, finance was centralized in the hands of the Government of India, "which treated the revenues of India as one and applied them to the purposes of the Government of India as a whole."¹²³ The provinces were denied "any inherent legal right to the revenues which they raised" and "revenues from all parts of the country converged into one reservoir (the Government of India's treasury), and from this reservoir money flowed back at large or small intervals to meet the diverse needs of the administration, including expenditure of the provinces."¹²⁴

¹²² *Per. 129*

¹²³ *Ibid.*, p. 184.

¹²⁴ *Palgrave Indian Administration*, p. 178.

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The system was full of various defects. The Government of India had a heavy financial burden, and there was no fair distribution of funds among the provinces. Under these circumstances, as Sir Richard Strachey, who made definite proposals for the reform of the system in 1883 wrote at the time, "the distribution of the public income degenerated into something like a scramble, in which the most violent had the advantage, with very little attention to season, as local economy brought no local advantage the stimulus to avoid waste was reduced to a minimum, and as no local growth of the revenue led to local room of improvement, the interest in developing the public services was also brought down to the lowest level."¹¹¹ The system of financial decentralization was inaugurated by Lord Mayo's Government in 1870. Each provincial government was henceforth allowed a fixed grant for the maintenance of certain departments like police, jails, education and the medical service, "with power, subject to certain conditions, to allocate it as seemed best, and also to provide for additional expenditure by the exercise of quantum and ad necessitatem by raising local taxes. All the residuary services the Government of India retained for its own needs."¹¹² The next step in this direction was taken in 1877 in the time of Lord Lytton by transferring to the provincial governments the management of certain other new departments like Ecclesiastical, Stamps, Law and Justice and some others varying from province to province, and by handing over to them the revenues from those specified departments for meeting the expenditure instead of making fixed grants as before. "Here for the first time," remark the authors of the Joint Report, "we meet with a classification of revenue bonds into Indian provincial and divided."¹¹³ But the new system did not prove financially successful. "The difficulty of exactly adjusting means to needs remained, and an

¹¹¹ Quoted in Sir John Strachey, India, Its Administration and Progress, p. 124.

¹¹² *Ibid.* p. 125.

the revenue from the transferred lands was not entirely sufficient for provincial requirements it was supplemented by a percentage of the unapportioned land revenue, which otherwise remained an all-India receipt. Settlements on these lines were made with the provinces for five years in 1882, and were revised in 1892, 1902 and 1907, not without controversy and provincial discontent. At these revisions no changes of principle were introduced, but the growing needs of the provinces were met by treating land revenue as one of the sources of income divided between the central and the provincial Governments, and further by supplementing the provincial revenues by means of fixed cash assignments adjusted under the same head.¹¹⁰

In 1904 there was a new departure. In order "to give the local Governments a more independent position and a more substantial and enduring interest in the management of their resources than had previously been possible," the amount of revenues granted to a province was definitely fixed. Thus the settlements were made quasi-permanent subject to revision only under cases of extreme necessity and "when the requirement was made disproportionately to actual provincial needs." Thus the provincial governments, being relieved from the old uncertain financial policy and from the fear of revocation of the provincial resources by the Government of India, were placed in a better position of freedom in financial matters. The comparative independence actually created among them an incentive for economy. The Royal Commission of Decentralisation appointed in 1907 enquired into the relations between the Central and the Provincial governments; it submitted its report in the following year but no radical change took place. It was Lord Hardinge's Government which in 1912 made the settlements permanent, reduced the "fixed assignments" and increased the "provincial share of growing revenues," and curtailed intervention of the central government in provincial budgets.

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But in spite of all these measures, the Government of India exercised a very real control over the finances of the provincial governments. Having a share in the revenues, the Government of India had a " strong motive for interfering in details of administration." Further, the Government of India completely controlled all taxation imposed in British India and the provincial governments were not granted the power of borrowing on their own credit. " It seems to us," remarked the authors of the Montagu-Cheltenham Report, " that if Provincial Governments are to enjoy such real measure of independence as will enable them to pursue their own development policy, they must be given some powers, however limited, of taking loans."¹¹¹ Lastly, the Government of India " exercised control over expenditure in the provinces in the sense of the codes of taxation, such as the Civil Service Regulations, the Civil Accounts Code, the Public Works Code and the like." They dealt partly with the " mechanics of finance, such as the institution of a uniform system of audit and accounting, the custody of public money, remittances, treasury and such matters;" but they also imposed " definite restraints upon the powers of provincial governments to create new appointments or to raise emoluments."¹¹²

(2) In tracing the history of the Provincial Legislatures we have noticed that, subject to certain restrictions, power had been delegated to the local legislatures of each province to make laws " for the peace and good government of the province." A local council was not competent to " affect any Act of Parliament nor in a general way to repeal or alter without previous sanction any Act of the Governor-General's legislative council or indeed of any legislature but itself." Further, a provincial council could not consider any law affecting religious usages of any class of British subjects in India, or the regulation of patents and copyrights, or the relations of the Government of India with

¹¹¹ *Ibid.* 103.

¹¹² *Ibid.*, *pass.* 103.

the foreign powers and the Indian States. Even in other matters, the law-making powers of the provincial councils, though legally unaffected, were limited in actual practice. They were weaker institutions than the Governor-General's Legislative Council, and "a great part of the field which would otherwise have been open to them was already" covered by the Acts of the older body,¹¹¹ which also "retained a concurrent power of legislation for the country at large."¹¹² On matters like Fiscal and Criminal Codes, laws for prisons and police, for forests, minor factories and the preservation of the public health, the subsequent assent of the Governor-General was required for every Act of the local legislatures, and all projects for legislation had to be submitted by the local governments to the Governor-General and the Secretary of State for approval. Provincial Legislatures were still in theory only "enlargements of the executive government for the purpose of law-making."

By Section 45 of Government of India Act, 1915, distinctly provided for the supreme control of the Government of India over the proceedings of the provincial governments. The Meittag-Chatterjee Report pointed out that the Government of India's control over the provincial governments was "too general and too exclusive to admit of any analysis" and the Government of India "regarded themselves as distinctly charged with the duty of directing policy and inspiring reforms for the whole of India."¹¹³

In many ways, India has been one "single and undivided society." The civil services which served on the orders of the provincial government were recruited from England to terms guaranteed by the Secretary of State. Then certain matters like the development of trade and industry and science throughout India "favoured the tendency of the headquarters to formulate and pursue a uniform policy." The Government of India, being responsible for the administration of the whole

¹¹¹ Ibid., p. 113.

¹¹² Ibid., page 120.

country to the Parliament through the Secretary of State kept administrative functions with regard to defence, diplomatic relations with the frontier states and the foreign nations, political relations with the Native States, tariff, currency and exchange, the post office, railways and other heads of all India concern, in its own hands. On other heads, authority and responsibility were shared by the Government of India with the provincial governments in a varying degree. "In the case of such departments, the Government of India functioned, not as a first-hand ruling authority, but as a ruling and appellate power". Lastly, it was the consciousness of the moral responsibility for the good government of the whole country and "for the maintenance of the high standard of public and personal conduct" that led the Government of India to exercise close supervision and control over the provinces. "In the absence of popular control their general attitude was right."¹⁰¹ Lord Dufferin once expressed the view that "it is absolutely necessary, not merely for the maintenance of our own power but for the good government of the country and for the general content of all classes, and especially of the people at large, that England should never abdicate the supreme control of public affairs, or delegate to a minority or a class, the duty of providing for the diversified communities over which she rules."¹⁰² But there was a strong body of public opinion pressing for decentralisation, and the authors of the Joint Report had stepped upon it. With the introduction of the principle of "responsible" government in the provinces by the Reforms of 1919, the old state of things was considerably modified. "We start," wrote the authors of the Joint Report, "with a change of stand-point. If provincial autonomy is to mean anything real, clearly the provinces must not be dependent on the Indian Government for the means of governmental development . . . Our whole scheme must be even and well-balanced, and

¹⁰¹ *Ind. Jour.*, 1924, 165.

¹⁰² *Legisl. Act. of Briton*, Vol. II, p. 203.

It would be ridiculous to introduce such measures of administrative and legislative devolution and at the same time to retain a centralized system of finance."¹²²

After the Act of 1919 devolution to the provinces was effected by rules made under the Act known as the Devolution Rules and approved by both Houses of Parliament. This devolution was to take place in the "Governor's Province," and the other parts of British India remained, as far as the devolution of authority from the Central Government was concerned, essentially in the same position as before the Act of 1919.¹²³ The aid divided heads like land-revenue, stamp, excise, monetization and irrigation, were abolished, and as provided in the Schedule to Rule 3 of the Devolution Rules¹²⁴ a distribution was made between "Central Subjects" and "Provincial Subjects." In case of any doubt as to whether a particular matter did or did not belong to a provincial subject, the final decision rests with the Governor-General in Council.¹²⁵ The principle of discrimination between central and provincial subjects was that where extra-provincial interests predominated, the subject was treated as central, while on the other hand, all subjects in which the interests of provinces predominated were provincial.¹²⁶ Accordingly the Central Subjects numbering forty-seven, comprised, among others, the following:—defence, national relations, relations with the Native States, railways, shipping and navigation; posts and telegraphs, customs, cotton excise duty, salt tax, incomes, currency and coinage, public debt of India, option, copyright, inventions and designs, statistics and immigration, entomology, zoological survey, meteorology, financial survey, accumulated effects, the Public Services Commission, All-India Services, census and statistics, criminal law, territorial changes, trading companies and other

¹²² *Paper 229/282.*

¹²³ Report of the Indian Statutory Committee, Vol. II, pp. 10 and 12.

¹²⁴ Quoted in *Ibid.*, pp. 12–13.

¹²⁵ *Ibid.*, p. 12.

assessment etc., etc. Among provincial subjects, numbering fifty-two, were—education (with certain exceptions), local self-government, medical administration, public health and sanitation, irrigation, land revenue, famine relief, agriculture, communications, forests, excise, industries, police and justice, weights and measures, etc., etc.

The classification was made both for purposes of administration and legislation. So far as administrative control was concerned, it was restricted only to the transferred sphere, but to the reserved subjects it remained complete. The control of the Central Government over the "official part" of the provincial governments was exercised very often and fully in the sphere of "Law and Order." But it was understood that consonance with the growth of responsible government in the provinces, the interference of the Government of India even in the Reserved half of provincial administration should be "restricted only to cases of unexceptionable necessity." In the transferred half, there was no legal restraint upon the Central Government's power of intervention. It could further co-operate with the provincial governments and could give its advice in certain matters. Thus conferences were arranged at Simla and Delhi where Education Ministers and Directors of Public Instruction, Provincial Excise and Agricultural Ministers, Inspector General of Police and Jails, and Finance Ministers were represented. Certain provincial matters like the borrowing and taxing powers of the local self-governing bodies, factories, labour questions, infectious and contagious diseases of man, cattle and plants, and standards of weights and measures were "subject to central legislation."

So far as legislative delegation was concerned, the Provincial Legislatures could legislate without the previous consent of the Governor-General in a small category of provincial matters. But on a specified list of subjects¹¹¹, for example, a provincial bill regulating any Central subject,—it could not legislate even

¹¹¹ See note, section on "Provincial Legislatures."

for its own territorial jurisdiction without the previous consent of the Governor-General. This restriction on the powers of the Provincial Legislatures gave rise to much criticism. The Minority Report of the Reform Enquiry Committee made certain suggestions for further legislative devolution.¹¹¹ It regarded the Governor-General's veto power as being undesirable from a constitutional point of view; it existed in other constitutions and was 'inevitably used'. About the abolition of the Governor-General's position moreover it remarked that the "list of subjects to which it applies at present will have to be carefully revised and the area of its application substantially curtailed". It recommended "that the spheres of action with regard to legislation should be carefully defined" as was done in Canada and Australia, and that in the Canadian model the ordinary powers should rest with the Central Legislature. The Minority Report of the Enquiry Committee also recommended that the undue stringency about the control of the Central Government over provincial legislation should be dispensed.¹¹²

In the matter of finance also the control of the Central Government over the provincial administrations was unmercifully relaxed. The Central and Provincial budgets were separated and certain sources of income were allocated to the provincial administrations. The provincial governments were given the power of imposing taxation without the previous sanction of the Governor-General on the following heads—a tax on succession; a tax on land utilized for other than agricultural purposes; a tax on gambling; a tax on advertisements; a tax on assessments; a tax on any specified luxury; a registration fee; a stamp-duty. They were also given the power of borrowing for certain specified purposes. The loans were used "on behalf and in the name of the Secretary of State in Council and on the security of the revenues allocated to the

¹¹¹ Pp. 119-20.

¹¹² Pp. 19-20.

provinces." But resistance still remained. The Government of India was faced with a large deficit at the beginning of the Haldeme and it was decided that the provinces should pay contributions in proportion to their increased revenue so that the budget of the Central Government might be balanced. A Committee, known as the Financial Relations Committee, was appointed with Lord Merton as its President, and it settled the share of each province. It was provided that the "initial contributions were to be reduced or increased over a period of seven years so as to conform to certain 'standard proportions' based on the relative taxable capacity of the provinces, their indirect contributions to the Central Government, the relative incidence of central taxes and other economic factors." The settlement, known as the Merton Award, pleased very few; the provinces regarded it as "a crippling levy on their revenues,"¹²⁴ and the officials as well as non-officials severely condemned it. The first reduction could be effected in 1923-24, and it was in his budget speech for 1923-24 that Sir Basil Blackett, Finance Member, announced the "complete and final revision of provincial contributions."

The Indian Statutory Commission recommended that the process of devolution should be completed by granting the "maximum of provincial autonomy consistent with the common interest of India as a whole."¹²⁵ It recommended that the "supervision, direction and control of the Governor-General in Council over a Provincial Government should be removable only over a field defined by the following categories—(i) safeguarding of administration of Central subjects, (ii) matters which may, in the opinion of the Governor-General, materially affect the interests of any other part of India, (iii) supply of information on any subject, (iv) raising of loans, (v) employment of All-India Services in the province, (vi) safeguarding of Imperial interests, (vii) questions arising be-

¹²⁴ *Ind. & Fin.* 22, 1923-24, p. 262.

¹²⁵ *Paper*, Vol. II, p. 56.

between India and the other parts of the Empire."¹¹¹ We may compare with this the proposals¹¹² of the Indian Central Committee, which was appointed to sit with the Statutory Commission, but published its report independently six months before the Report of the Statutory Commission appeared—“(1) We are of opinion that the powers of supervision and control of the Governor-General in Council should be exercised only for such purposes as may be specified; and that whenever there is a difference of opinion between the Governor-General in Council and a Local Government, as to the right of the former to interfere in provincial affairs, the question should be decided in accordance with the decision of a tribunal or body constituted or appointed by the two governments concerned; provided that if and when a Supreme Court is established in India, that body shall be the final judge in such matter. Pending the establishment of a Supreme Court, we would provide that in case of disagreement between the two governments concerned as to the composition of the tribunal, it should consist of three or more persons holding the office of chief justice in India. (2) We would give to the Governor-General power to supersede a local government and carry on the administration in case of breakdown or inability to maintain law and order in the province. We would not grant a similar power in case of financial insolvency. We would, however, empower the Governor-General to take any steps that he may consider necessary to enforce the payment of any debt due by a local government. When the Governor-General considers that an order issued by a provincial government should be counteracted for the purpose of maintaining peace and tranquillity, he should have the power to do so. Similarly, when no order has been issued by a provincial government, the Governor-General should have the power to issue any order necessary in his opinion for the maintenance of peace and tranquillity in the province concern-

¹¹¹ *Ibid.* p. 300.

¹¹² *Ibid.* pp. 344-5.

ed.¹¹ The Committee was also of opinion that two other or extraordinary powers should be granted to the Governor-General and Governor-Council in Council respectively subject to the approval of the Secretary of State—(i) "to exercise a provisional legislative control for such period as he may direct;" (ii) "to take for application any provision under the immediate authority and management of the Governor-General in Council."¹² Through the new constitution has provided for provincial autonomy, the control of the central over the provincial remains, in essence, considerable.

Having thus briefly reviewed the question of decentralization, we may now study the development of Local Self-Government in India which is but another form of decentralization.

Modern systems¹³ have established beyond doubt the fact of the existence of village and town governments in India from time immemorial. But these disappeared gradually under the pressure of repeated foreign invasions and political and economic disorders, between the sixth and the sixteenth centuries, so that "Local Self-Government, as the legally constituted form in which it now prevails in India, is essentially a product of British rule. The existing system of municipal administration is for the most part of comparatively recent introduction, while local institutions in rural areas are of still later origin, and have been also of slow growth."¹⁴ Spurring and then helping on to develop, the trend of local self-government is a continuation and tradition of ancient India, that had survived the unceasing marauder ages even down to the nineteenth century in British, and more specially Indian, India has been one of the most remarkable though largely unreal

11 Dr. R. C. Majumdar, *Congress Life in Ancient India*; Dr. Radhakrishnan, *Mahajati Local Government in Ancient India*; Prof. Aspinwall, *Indian Administration Systems*, etc.

12 MacAuliffe, *Indian Constitutional Documents* Vol. I, Introduction, *Government of India's Memorandum on the Development and Working of Representative Institutions in the System of Local Self Government*, Vol. V, p. 1878.

inherent of the British Indian administration. Attempts at reversal of the indigenous local self-government are now being made, but the links are lost in many cases.

Dealing first with the metropolitan, we find that the earliest attempts in municipal government were made in the three Presidency towns of Calcutta, Bombay and Madras. An order of the Court of Directors in 1787 conferred on the East India Company the power of forming a corporation composed of European and Indian members of the city of Madras for purposes of local self-government. A royal charter of 1797 permitted the establishment of Mayor's Court with officers but no burgesses in Madras, Bombay and Calcutta; the function of these bodies were judicial rather than administrative.¹²⁰ The Charter Act of 1793 empowered the Governor-General to appoint justices of the peace in the Presidency towns from among the Company's servants and other British inhabitants. Besides their judicial duties, the justices of the peace were apparently authorized to provide for scavenging, washing and sweeping the streets," the expenditure on which was to be defrayed "by an assessment on houses and lands."¹²¹ After the passing of the Councils Act of 1861 the system of municipal government was changed by the local legislatures by a series of statutes and henceforth its history was different in each Presidency.

Before 1842 there was no attempt at municipal organization and legislation outside the Presidency towns. An Act passed in that year for Bengal proved practically inoperative, and eight years later another Act was passed applying to the whole of India. Under this Act of 1850 and many subsequent Provincial Acts, municipal institutions were established in other parts of India. These Acts "provided for the appointment of commissioners to manage municipal affairs, and authorized the levy of certain taxes, but in most Provinces, the commissioners were

¹²⁰ Imperial Gazette, Vol. IV p. 286.

¹²¹ Ibid.

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all necessitated, and from the point of view of self-government these Acts did not go far enough."¹² A step forward was taken in 1890 by Lord Mayo's Government in connection with its decentralisation scheme. It was declared that "local interest, supervision, and care are necessary to success in the management of funds devoted to education, sanitation, medical charity and local public works. The operation of the Resolution in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institution, and for the association of Hindus and Europeans to a greater extent than heretofore in the administration of affairs." New municipal Acts were passed in various provinces between 1877 and 1894, a considerable increase took place in the number of municipal bodies in urban areas "with well marked fields of activity," and the elective principle was extended but "only in the Central Provinces was popular representation generally and successfully introduced." It was Lord Ripon, who in his Resolution of 1880 announced a new policy and established Local Self-Government on a liberal basis. He declared the main object of his reform to be "to advance and promote the political and popular education of the people and to induce the best and the most intelligent men in the community to come forward and take a share in the management of their own local affairs and to guide and train them in the attainment of that important object." In pursuance of this policy, Acts were passed in 1883-1884 which greatly aided the cause of Local Self-Government. The election of members of municipal bodies was extended to the number of half or more in each case, and many towns were granted the privilege of electing a person citizen as Chairman or Vice-Chairman. The administration of the Municipalities continued on the general principles laid down them till 1915, when Lord Hardinge's Government issued another important Resolution declaring their future policy towards Local Self Government.

¹² P. Mittagen, Op. cit., Vol. I, loco.

The establishment of the Local Boards dealing with local affairs in rural areas is of recent date. These came into existence after the Resolutions of 1881 and 1882 referred to already. The main outlines of Lord Ripon's plan were—¹²³ "Firstly, that a network of Local Boards should be formed in country areas; in addition to the Municipal Committees, the area included under each board being so small as to ensure local knowledge and interest on the part of each of the members; secondly, that all the Local Boards urban or rural, should, everywhere, have a preponderance of non-official members; thirdly, that the members should be chosen by election whenever it was, in the opinion of the Local Government, practicable to adopt such a plan; fourthly, that there should be a District Board of some kind which should meet periodically to settle matters such as the rate of the land tax, in which the smaller boards have a common interest; fifthly, as to the necessary Government control, they considered that it should be exercised rather from without than from within, and that the Chairman of the Local Boards should, as a rule, and whenever practicable, be non-official persons."¹²⁴ As conditions were not uniform throughout the country, one general system could not be introduced in all the Provinces, as a large discretion in the matter was allowed to the Local Governments, and the systems introduced by the Acts of 1883–85 in the different provinces differed from one another. The village panchayats form the foundation of the structure of local self-government in the districts.

A reference may be made here to other local administrative bodies like the 'Improvement Trusts' founded in cities like Calcutta, Bombay, Rangoon, Cawnpore, Allahabad and Lucknow, and the 'Port Trusts'. The former were entrusted with the duty of conserving the sanitation and improvement in the health of large cities, and the latter with the control of harbour works, port approaches and pilotage in the chief ports

¹²³ *Annual and Material Progress Report, 1882–83.*

The Decentralisation Committee of 1909 recommended certain changes in Local Self-Government, and the Government of India in 1915 laid down certain guiding principles, but these did not lead to any practical development in the field. In view of the changed circumstances due to the Great War and the criticisms of the Montagu-Chelmsford Report of the then existing system of Local Self-Government,¹²⁷ the Government of India issued a Resolution on the 16th of May, 1919, declaring the policy of the gradual removal of temporary Government control and of differentiating the spheres of action appropriate for Government and for Local bodies respectively.¹²⁸ It was proposed to make Local bodies as representative as possible and to remove unnecessary restrictions in connection with taxation, budget and the fixation of rates and to have elected instead of nominated Chairmen of the Boards.

Under the Reforms of 1919 local self-government became a transferred subject and the Ministers became responsible for the practical application of the policy. In almost every province the legislative councils revised and redid enactments for the progress of local institutions, and the result was, broadly speaking, "to make the boards, both municipal and rural, predominantly non-official in all the Government's functions and to reduce the control of Government to external supervision by the elimination of the office of Government from the position of chairman."¹²⁹ The Local bodies have not, of course, in all cases shown satisfactory work and progress, and their workings have been in recent years subjected to adverse criticism. But the defects in their working have been due not so much to the incapacity of the people to govern themselves as to other obstacles, some having origin in the change to a new system, others from the nature of the new organization, and others again from local or temporary conditions.¹³⁰ The Indian

¹²⁷ See Part II and III.

¹²⁸ Report of the Indian Council Committee, p. 20.

¹²⁹ Report of the Indian Statutory Commission, Vol. I, p. 204.

Central Committee rightly remarked that many of the defects "were the inevitable result of the submissions with which the transition from official tutelage to complete freedom was made."¹⁰⁰

B—THE POLITICAL DEVELOPMENT OF INDIA AND INDIAN NATIONALISM (1821—1931)

The political development of Modern India is but an aspect of the Indian Renaissance of the 19th century. Indian nation then has been "such more than the aspiration of political existence. It is the revival of an historical tradition, the expression of the need of a people."¹⁰¹ "No reformation," remarks Hegel very rightly, "is possible without renaissance" and it may be added that no revolution in policy can be effected except on the base of a socio-religious reformation and a wide cultural renaissance. The different phases of Indian life were during the 19th century permeated with the spirit of a renaissance, a great awakening; the efforts of men began consciously to be directed towards the emancipation of India from the state of all-round degradation to which she had been reduced during a long process of decline and fall the depth of which had been reached in the 18th century. This spirit of renewal and regeneration spread from sphere to sphere of the national life and while deeply affecting society, religion and literature, it passed on into the field of politics and prodded a conscience there as well.

The earlier revivals of the 15th, 16th and 17th centuries, though rich in cultural and religious achievements, had on the political side led only to the rise of independent nation states like those of the Sikhs and the Marathas, and could not, for various reasons, evolve one national movement embracing the whole of India. Hindus as well as Moslems, orthodoxy as well as

¹⁰⁰ Report, p. 22.

¹⁰¹ McDonald, *The Government of India*, p. 27.

the reformed. The Massaias and Raiputras, for long the ever-disappointing hopes of undivided Indian nationalism, ceased to make history after 1858, and the belated spreading of the Sikhs failed to take root after 1879. The last great focus of political fervour around the phantoms of the Peishwa or the Padshah perished in 1858. A blank was thus created in the first half of the 19th century, and the frustrated urge of Indian nationalism sought to realize itself in a novel way, turning away from the barren political results of the earlier Renaissance. The staled pale zones of Indian political life set in the Western lands of India, while in the East of it discerned a new political consciousness. Maharashtra went out of the stage, and almost immediately Bengal stepped in to give a new lead. In the 19th century certain factors combined to produce a real Indian National Movement. The four important factor has been the strong British suppression in India, which has given her political unity under a 'dead party' in the midst of various other discontent elements.¹²¹ Secondly, the intense contact with the West, effected through the missions of missionaries like David Hare, missionaries like Carey, and administrators like Macaulay, brought about a change in the political outlook of the Indians. Western education brought them in touch with the historical and political works of men like Burke, Mill, Macaulay, Herbert Spencer and others, and acquainted them much with the ideas of nationality, liberalism and freedom. Of course, at first the new wave of Western learning went into the heads of young Indians¹²² and produced disastrous social effects, but the evils proved to be temporary, thanks to the early religious and social reform movements. On one side chastened by robust religion and literature, the growing acquaintance, through the medium of Western education, with developing political ideas of the West and the stirring history of Western nationalistic movements, ingrained the love of civil

¹²¹ Pulin Thakur, *Short Description and World Politics*, p. 25-32.

¹²² Lal Rambabu, *The Heart of Aspects*, p. 41.

liberty and national freedom. Moreover, English education furnished India with one of the best aids to national growth, a *Liberator Press*, which made it possible for representative men from distant and different provinces to know and understand one another better, to interchange views and form common programmes of action. Father Teresa Sarsen by championing and improving transport and communications, has quickened all the pace of national movements by enabling the leaders of the country to carry on national propaganda with greater power and on a large scale and to come into contact with public men and opinion in other countries of the modern world.

Scholars, poets and religious reformers have also had their share in presenting in the minds of the Indians a feeling of regard for and pride in their motherland. Just as the European Renaissance from the 13th to the 15th centuries unfolded before the benighted people of Europe the classical masses of ancient Rome and Greece, so to the study and regeneration of Ancient Indian lore by the Asiatic Societies and by an unknown army of European scholars like Jones, Colebrooke, Max-Milien, Moore Williams and others and Indian scholars like Raja Ram Mohan Roy, Mahadeo Govind Ranade, Ranadevrao Gopal Bhandareshwar, Hemprasad (Bamdeo) Shastri and others.

nexted to India herself scarcely less than to the Western world, the majesty and wealth of the Sanskrit language and the historical as well as literary value of the great body of Hindu literature which is the key to India's civilization.¹⁰⁴ The religious and social reformers of 19th century India, like Rammohan Roy, Devendranath Tagore, Kastur Chandra Sen, Pratap Chandra Narayan, Purna Chandra Sarkar, Jyotir Chandra Vidya Nag, Devendroda Saraswati, Ranadevrao Pantebava and his great disciple Vinayakandra (Naradra) Naik Dattai impressed on the minds of the people the greatness and universality of much of the ancient thought

¹⁰⁴ See Voltaire's *Candide*, p. 22.

¹⁰⁵ See Baudhachandra Banerjee's *A Nation in Making*, pp. 6-8.

of their country, and thus served to awaken in them a keen desire for national regeneration on the basis of the best in the past. As it has been remarked by Colonel Glegg: Deynanda exercised "great nationalising influence . . . upon His followers."¹¹⁶ Mr. Ananda Senapati also has pointed out that "It was Deynanda Senapati who first proclaimed 'India for the Indians'."¹¹⁷ The writings and speeches of Vivekananda also exerted a considerable influence upon young minds in India. "The queen of his education," says Swami Nitidev, "was His motherland." "Like Swami Deynanda," writes Swami Kali, "Vivekananda taught Young India self-confidence and trust in her own strength."¹¹⁸ The theosophists (much of whose inspiration came from India) like Blavatsky, Colonel Glegg and Mr. Annie Besant helped the cause of Indian Nationalism considerably by their writings and life's work. The English Press and literature (both English and Vernacular) have also acted as powerful stimulants in arousing national consciousness in the country. We should note here the political influence exerted by papers like the Indian Mirror, the Hindu Patriot, the Amrita Seeta Patrika, the Bangabuli, the Bombay Samachar, the Samskruti Prakash, the Sahakari Samachar, the Sabdikar Prakash, the Mysore Sahakari Patrika, the Odisha Darpan, the Coromandel, the New India, the Hindu, the Kathani, the Banapatrika, the Auro Borashin, the Samabata and others.¹¹⁹ Equally important in this matter are the works of writers like Bankimchandra Chatterjee, Harish Chandra Bhattacharyya, Nalin Chandra Sen, Badley Chandra Chatterjee, Rammohun Roy, Rabindranath Tagore, Sarat Chandra Dev-Chatterjee, and others. Bankim's *Anandamath*, which gave to Bengal and thus to India the famous song "Bande Mataram," has been justly regarded as "The Bible of Modern Bengali Patriotism," while more than

¹¹⁶ A. C. Manganarayappa National Education, p. 22.

¹¹⁷ A History of Nationalism in the East, p. 22.

¹¹⁸ For a comprehensive list of modern papers in India, see the Indian Year Book, 1926.

three-fourths of the abundant poetry, songs and music associated with Indian nationalism has been supplied by Tagore and D. L. Roy. Students of history will certainly note that Literature of a creative character has in every country powerfully influenced the course of politics and nationalism,¹¹¹ and India was not an exception to this.

The origins of nationalism, however, are not only positive in character, but also negative, and arises thus not only when given on rightly or wrongly based national discontent, and in the process of growth destroys and uproots weak. Various economic troubles among the masses and growing unemployment among the middle classes have played their parts in fanning the flame of Indian national discontent. Highly or wrongly Indian policies come to believe in an exploitation of India by foreigners, and in a consequent economic slavery of India. The administrative apparatus in India, again, has been universally top-heavy and costly. Mr. Wilfrid Scawen Blunt observes that "according to Indian opinion, the vice of Indian Finance lies in the fact that in India the Finance Minister looks principally to the interests not of India but of England. Two English ministers have to be served first, the Anglo-Indian Administration and English Trade."¹¹² The famous criticism by Henry L. S. Colton recorded in 1855— "There is no great harm in saying that the land belongs to State, while the State is only another name for the people, but it is very different when the state is represented by a small party of foreigners who disburse nearly one-third of the revenues received from the land on the remuneration of their own servants and who have no stake in the fortunes of the country."¹¹³ Dr. Macleod, a Presbyterian missionary in India and a learned quaker, writes— "It is not that we have not won the hearts of the people; we have not even触ised their hunger. The one sin

¹¹¹ Compare the influence of Literature on Europe before the French Revolution, or before the development of socialism.

¹¹² *India Under Pagan*, London, 1889, p. 262.

¹¹³ *New Perils*, p. 22.

that Britain can before herself in the government of lands like India and Egypt is the bestowing to them of a material content. If she has failed to accomplish that, she can boast of no success, and certainly in India she has not succeeded.¹¹¹ Further, the growing differences between the Indians and the Englishmen in India on all vital questions, and the increase in the feelings of racial bitterness between them over the Moplah have intensified the national discontent.

Thus a combination of many factors has led to the rise and growth of modern Indian Nationalism. The process has taken more than a century now, and the perception and study of the political development of India is by no means recent. The possibilities of the movement were present in the minds of the oldest British administrators of the early 19th century like Warren Hastings and Lord Hastings. Thus Lord Hastings declared after the fall of the Marathas: "A time not very remote will arrive when England will on sound principles of policy wish to relinquish the dominion she has gradually and unfeetingly assumed over this country, and from which she cannot at present recede."¹¹² and this conviction was the basis of his supporting the cause of English education and administrative forms in India.

The history of the National Movement in modern India may be conveniently studied under several periods.—(a) 1821—1829, (b) 1829—1857, (c) 1857—1905, (d) 1905—1914, (e) 1914—1918, and (g) since 1918. Raja Ramachandran Ray was not only a great religious and social reformer but he may be justly regarded as the father of the modern Political Movement in India.¹¹³ Being a strong lover of freedom, he held progressive political ideas and he believed that the people of India "have the same capacity of improvement as any other civilized

¹¹¹ *The Moplah of Modern India*, Oxford, 1926, p. 3.

¹¹² Quoted in Dabirji, *Op. cit.*, p. 25.

¹¹³ For a detailed study about Rammachandran's political ideas reference may be made to Prof. B. B. Mukundan's P.R.S. thesis on *History of Political Thought from Rammachandran to Tagore*, Vol. I.

people."¹¹¹ Mr. William Adams, a Baptist Missionary connected for some time with the Raja, remarked: "He would be free or not be at all . . . Loss of freedom was perhaps the strongest passion of his soul."¹¹² He fought hard for a Free Press in India and demanded various educational political rights for his countrymen. The Serampore Missionaries thus commented on the Raja's written evidence on judicial and revenue systems of India submitted to the authorities in England:—"Raja Krishnamurthy is said to have supported various improvements, such as the Trial by Jury, Native Judicial Assessors, Joint Juries, Regular Public Registers, Codes of Civil and Criminal law, etc., which should be instrumental in securing these advantages to the country, not only the present, but every future age will surely consider him a benefactor to the country."¹¹³ The editor of the *Bengal Spectator* wrote in July 1842, "It is to him that we are in a great measure indebted for the conversion of regard to the privileges of natives contained in the late Charter [1833]."¹¹⁴ A batch of politically-minded students of the Hindu College, like Tarachand Chakravarty, Deobinda Ranjan Mukherjee, Radik Krishna Mukhi, Rammegad Ghosh and Pearychand Mitra being influenced by the Revolutionary doctrine of "natural rights" and "equality," before Rammachan's departure from India, demanded "radical reforms like the abolition of the political power of the East India Company and provinces for free and compulsory education."¹¹⁵ These young men and women of the Raja's prominent political circle¹¹⁶

¹¹¹ *Controversy Political Register*, Vol. I (published under the auspices of the Brahmo Samaj Committee, Calcutta), p. 38.

¹¹² Ibid., p. 38.

¹¹³ Quoted from *Serampore Review*, 24th March, 1832, as transcribed, Dr. S. S., Vol. I.

¹¹⁴ *The Bengal Spectator*, July 1842, pp. 38–39.

¹¹⁵ Ibid., Chap. II.

¹¹⁶ "Parangar" is high class Bengali literary journal edited by Dr. S. S., pp. 39–40.

Mr. Prabhat Kumar Tagore (1890–1962), Dwarkanath Tagore (1794–1846), Kishanchand Mitra, Govinda Chandra Datta, and Harish Chandra Mukhopadhyay, who however sought to remove specific grievances through constitutional agitation,—did much to awaken the political consciousness of the people of Bengal during the period from November 1853, when Rammohun sailed for England, to June 1868 when Harish Chandra Mukhopadhyay died.¹¹³ During the fifteen and the later half of the 19th century a number of prominent Bengalis like Dwarkanath Vidyabhushan (1820–1896), a notable journalist who edited the *Samskruti Patrikā* since 1858, Krishnadas Pal (1836–1894), Rev. Lal Bahadur Dr. Bhattacharya (1822–1910), Star Kanan Ghosh (1840–1911), Barkin Chandra Chatterjee and Sri Anantachandra Mukhopadhyay and others helped in various ways the evolution of Indian Nationalism. Barkin's novel, *Anandamayik*, which has been described as the 'Bible of Modern Bengal Patriotism,' gave to the public the well-known patriotic song *Sandeep Mayam*, which has become later as the Indian national anthem. Barkin through his writings¹¹⁴ developed the idea of nationalism as part and parcel of religion and deeply rooted the young mind of Bengal.

The Mutiny marks a turning-point in the history of the National Movement of India as a whole. Whether we view it as a national or a military rising, this much is certain that it served to expand a feeling of distrust of Indians in the minds of Englishmen in India. Before the Mutiny, the British administrators like Meadows Taylor and Munro (as we know

¹¹³ *Historical Ge. etc.*, Chapter II, Contancy Patriotic English—No. I, pp. 194–22.

¹¹⁴ Barkin's political ideas can be found in the following works—(i) A popular Lecture in Bengal (1870), (ii) *Bangabandhu Pothito Jibon* (1871) 2 vols., (iii) *Illustrated Patriotic Song*, (1874), (iv) *Swarnopur Kanki* (1875) (v) *Swarnopur-Patriotic* (1880), (vi) *Sangeet*, (1881), (vii) *Kavita-kanta* (1884–92), (viii) *Shyamali* (1886), (ix) *Bangabandhu Kal*, (1887), (x) *Natukal*—*Vidyayanika*, (1888), (xi) *Shambhavita* (c. 1894), (xii) *Lokabali* (1893), (xiii) *Bengali Indian Chhatrapati*, (1895), (xiv) *Amuktamalya*, (1897), (xv) *Uttara*, (1897), (xvi) *Supradipika*, (1898).

from their autobiography and letters respectively) had no cordial relations with the Indians, but in the years following the Viceroy wrote Fison, a contemporary observer, to Sir Charles Wood: "the old sympathy with India changed to a feeling of repugnance, the old spirit of content with life and work in India, the old inclination to regard things in an Indian rather than an English light, gave place to a reluctance to stay in India longer than one month over and a disposition to judge things by an emphatically English standard."¹¹³ Thus also, in the words of the author of the Lyndsay Report—"consideration of society became the primary, if not determining, concern in state policy. The former political Members of the administration tended to disappear almost completely, and while reforms, such as Lord Ripon's scheme of local self-government, were accepted, they were rendered more or less useless by the contempt with which they were regarded."¹¹⁴ Referring to the change, Sir Henry J. S. Gorrie remarked: "It is a great power to which we have ditched, for the change is complete and the tension is gone."¹¹⁵

This had naturally a reaction on the Indian mind—inevitably in the direction of a growing recognition of the disappointment of all the hopes England had raised in Young India and at the frustration of all Indians of the gallant and remarkable efforts an anglicised Indian intelligentsia had been making.¹¹⁶ Thus Renaissance and modernised India suffered for the folly of decadent medieval India, and bearing the supports of the last empires of Mughals and Marathas sustained the supports of the ideal of a New India after the model of England ran with relish and hostility. The undercurrents of discontent already generated by Dalmatpur's massacres began to spread to wider Muslim as well as Hindu circles after the

¹¹³ Duffield, *Op. cit.*, p. 220.

¹¹⁴ Report of the Committee on Christian Higher Education in India, October 1914, p. 24.

¹¹⁵ *New India*, London, 1912, p. 21.

¹¹⁶ *Pakistan: Renaissance India*, London, 1913, p. 39.

failure and the suppression of the Mutiny, and in fact we may trace the birth of extremism in India from this time. The Muslim masses of underground discontent emerged in two or several groups, chiefly the Wahabi movement, the followers of which "resented the loss of the supremacy which their fore-fathers had enjoyed, and hoped to destroy an encumbrance of hindrance who had raised it."¹²¹ In 1861 the Arababs expedition under Sir Nasir Khan Chundhry proceeded to suppress a band of Muslim fanatics (who had been inciting hilly tribes in interior Hindooorah) at Sittuan, some fifty miles above Agra on the right bank of the Julus.¹²² Referring to the movement, Sir Col. Foye wrote to Canning that it was "an evident offshoot of the discontent which lost its chosen leaders in the Nana, Tatta, Tipu, etc., and which still smoulders in Central India and the Maratha country. From all I can learn, any spark, such as a war in Europe or America, would have been followed by a number of unassisted but separate insurrections in all parts of India between the Vindhya Mountains and the Tawzerdwaras."¹²³

Racial antagonism and national discontent thus engendered continued to be fed up by a number of events during the administration of Lord Lytton, like "the violent invasion of Cooch-Bigha, followed by the Second Afghan War, the large increase of the army under the influence of the Russian bugbear, the costly establishment of a 'scientific frontier,' the complete decimation of an indigenous and helpless population, although the Europeans were untouched, the挂着 of the Vernacular Press (1872), the sacrifice of the paper cotton districts in a Conservative sop to Lancashire, and the unenlightened and unchristian relief administered by the Viceregy personally to a leading association in the country."¹²⁴ All these contributed

¹²¹ Cambridge History, Vol. VI, p. 440.

¹²² "Facts Leading to the Arabab Expedition," 1861, by R. H. Dohm published in the Journal of the Punjab University Historical Society December 1955.

¹²³ Quoted in Hockenhull, Op. cit., pp. 20-21.

¹²⁴ A. C. Bhaduri Indian National Revolution, pp. 21-22.

linked to the general movement in India to a considerable degree. Sir William Wedderburn told Bhuri¹⁷¹ that "the state of things at the end of Lord Lytton's "regime" was badening upon revolution." Local Associations for representing and advancing Indian views and interests had for some years been coming into existence, such as the *Anjuman* at Lahore, the *Swarajya-Sabha* founded at Poona in 1870 working under the able guidance of Ranade and Joshi¹⁷² and the British Indian Association in Calcutta, which held pretty advanced and admirably measured political views as early as 1892 when it petitioned the British Parliament on the subjects of administrative and constitutional Reforms.¹⁷³ The British Indian Association was however, "essentially and by its creed an Association of land-holders,"¹⁷⁴ and the need was soon felt of a more democratic body. Mr (afterwards Sri) Surendranath Banerjee, one of the greatest political leaders of modern India, who had joined the Indian Civil Service in 1871 but had to give it up a few years later and had taken up educational work, was then trying, as he has himself explained, through his teachings and utterances, "to kindle in the young the beginnings of public spirit, and to inspire them with a patriotic ardour, fruitful of good to them and to the motherland."¹⁷⁵ After a year's efforts Surendranath, with the assistance of Ananda Mohan Bose and Devarajnath Ganguli, succeeded in establishing the Indian Association on 26th July, 1876. A few months before this had been started no-

¹⁷¹ *Ori. ed.*, p. 226.

¹⁷² Kaliach, *McAndrew Gazette, Poona*, p. 22.

¹⁷³ In 1892 the origin of this can discern in F. B. Macaulay's P. R. A. Dines on Growth of Political Thought in India from Banerjee recently published by Calcutta University.

¹⁷⁴ See S. N. Banerjee, *A Nation is Making*, p. 40.

¹⁷⁵ *Ibid.*, p. 22. He pointed in one of his speeches: "Political work is more or less ephemeral, though none the less highly useful. Educational work lies in all the elements of permanent value. The import of the teacher is an ever-lasting corpus, which spreads over the earth. The teacher are the masters of the future. I cannot think of a nobler calling than this. There is a home-appointed task, a sacred mission."

other association called the Indian League, of which the moving spirit was Sri Kanan Ghose (of the Amrita Bazaar Patrika) Surendra Chunder Mookerjee (of the Raja and Ruprai) and Bimal Ghose, but it soon ceased to function and its leading members joined the Indian Association, which "soon became the public agent of the middle class and became the centre of the leading representatives of the educated community of Bengal".¹¹¹ Within a year of the foundation of the Association an opportunity presented itself for greater political agitation. The reduction of the age limit for entrance to the Indian Civil Service from 21 to 19, by order of the Secretary of State for India, was regarded as a deliberate attempt to blot the prospects of Indian candidates "for the highest public service, and it was decided at a meeting of the Indian Association held on 29th March, 1877, in the Town Hall of Calcutta under the presidency of Mahratta Sir Naradra Kusum Bahadur to organise an all-India national protest against it by using all the resources "through a series of meetings, processions and the suspension of a locomotive railcar".¹¹² With this object Surendra Nath undertook two tours, one (1877) in Northern India and the other (1878) in Western and Southern India. As a result of this campaign an all India movement praying for raising the age for the open competitive examinations to twenty-two years and for holding simultaneous examinations in India as well as in England was sent to the House of Commons through Lal Mohan Ghose, as the representative of the Indian Association,¹¹³ and was attended with considerable success. Thus the efforts of the educated Indians had been creating new hopes and aspirations among them during the reactionary government of Lord Lytton.

¹¹¹ Ibid., p. 42.

¹¹² Ibid., p. 44.

¹¹³ Ibid., pp. 52-53. Mahomed Ismail, the Lady Roswell of Connaught, contributed a substantial sum towards the expenses of the Delegation.

Dr S. N. Banerjee has remarked, "In the evolution of political progress, bad rulers are often a blessing in disguise."¹⁰²

The administration of his successor Lord Ripon, who was the nominee of Mr Gladstone and a friend of Indian Nationalism, was marked by a distinct development of the Indian Political Movement. Gladstone had thus declared the Liberal creed with regard to Indo-British relations: "Our rule to be in India depends on a first condition, that our being there is profitable to the Indian nation, and on a second condition that we can make them see and understand it to be preferable." Ripon,¹⁰³ a transparently honest man,¹⁰⁴ and possessed of moral scruples, believed in the capacity of the educated Indians for self-government, and also in the necessity of imparting them further political training, as a clause from the Local Self-Government Bill. As Chancellor of the Calcutta University he declared before the students that "the time was fast approaching when popular opinion even in India would become the sensible and measured Master of the Government," and "no Viceroy," remarks Sir Surendranath, "has done more to promote the blessed consummation."¹⁰⁵ He repealed the Vernacular Press Act of Letters and eased the gauntlet of the Indian journalists. But Indian hopes soon received a check through "the astonishing blunder of the Riot Bill."¹⁰⁶ This Bill drafted by Sir C. P.渡, the Law Member of the Viceroy's Council (1853), provided that Indian magistrates and police should have jurisdiction over Englishmen in the country districts. Lord Ripon sought then to take an important step towards abolishing "political dignitaries based on race distinctions." But the Europeans in India raised a furious protest against the change which was on the other hand

¹⁰² *Ibid.* p. 68.

¹⁰³ *Ibid.* Op. cit., p. 3.

¹⁰⁴ A. Rabin, in *History*, p. 44.

¹⁰⁵ Dr S. N. Banerjee writes that a was estimated by Mr B. L. Gupta, I.C.S., who was then Permanent Secretary of Calcutta, "between the terms of the Riot Bill Controversy" Op. cit., p. 72.

enthusiastically supported by Indian opinion. The Viceregal was always boycotted by his countrymen; they formed a European Defence Association with its branches in different parts of the country and raised fund of Rs. 150,000¹⁷² to protect the caste problems of the White Race.¹⁷³ The Government had at last to submit to a compromise which provided that Europeans brought before District Magistrates or Session Judges (whether Indians or Europeans) could claim to be tried by a jury, half of whom were to be Europeans. As this privilege was denied to the Indians the compromise meant an abandonment of the principle of the bill. The Black Bill proved to be a blessing in disguise for the cause of Indian Nationalism. The fight over it, the attitude of the Europeans, and its defeat left "a seething mass of humiliation in the mind of educated India,"¹⁷⁴ it increased racial bitterness, led to the growth of national discontent and convinced the politically-minded Indians of the necessity of having a more powerful organization for national work. "The passionate claim of the European to predominance," remarks Prof. Dadhichi, "was to be answered by the passionate claim of the Indians to equality."¹⁷⁵

Already in 1881 in the Mysore State,¹⁷⁶ Dewan Ranjachandra (1859—1889) had held a Representative Assembly,— "a popular machinery devised deliberately to bring the masses into co-operation with administrative machinery." The Bengal group of political workers under the leadership of Surendranath Banerjee launched an agitation for the creation of a National Fund, and a National Conference was held in Calcutta for three days, from December 23 to 26, 1883. On the 1st of March of that year Allen Octavian Hume, a distinguished British officer, who had resigned his service in 1862, had addressed an open letter to the graduates of the Calcutta

¹⁷² *Zachariah*, Op. cit., p. 19.

¹⁷³ *Ramsey*, Op. cit., p. 56.

¹⁷⁴ Op. cit., p. 26.

¹⁷⁵ K. T. Paul, *The Great Criterion pathshala*, p. 225.

University urging them to form an association "for the social, moral, social and political regeneration of the people of India — a little army are armed in discipline and equipment."¹¹⁴ This letter produced a deep impression on educated Indians, and in the month of December 1881 representatives from all parts of India, who had come to attend the annual convention of the Theosophical Society at Adyar in Madras, resolved to "form themselves into a group of provisional committees, men from different towns to see others — each in his place, and to meet later for further consultation."¹¹⁵ These forces brought into existence the Indian National Congress. While on December 24, 26, and 27, 1886 the National Conference met again in Calcutta, simultaneously the Indian National Congress consisting of a smaller group of seventy delegates held its first meeting in Bombay on 25th December under the presidency of Lokenath Chandra Banerjee (better known as W. C. Bonnerjee). It should be noted here that besides conducting the Indian National Congress the Bengal political workers held the first Provincial Conference for Bengal in 1886, and the example was followed by the other provinces as well.¹¹⁶ The efficient and resourceful Hora, who has been justly styled as the "Father of the Indian National Congress," was sincere and admirable; he was perhaps guided by a conviction that there cannot be a great ruling empire without a great people, and that the people cannot be great by living always kept under a state of bondage. Besides preparing the ground in India before the opening of the Congress, he also went to England to secure the sympathy of friendly public men there for the proposed political institution and tried his best to guard "the British public against all possible misrepresentation, suspicion and distrust to which the new organization was naturally

¹¹⁴ A. D. Oliver Hora, C.B., *Father of the Indian National Congress* by Sir William Workman London, 1913 p. 52.

¹¹⁵ Mrs. Besant, "How India Brought Her Freedom," p. 1.

¹¹⁶ S. R. Banerjee Op. cit. p. 59.

aspired."¹⁷⁷ He arrived in India just in time to attend the Congress as one of the Bengal representatives. The names of some of the talented and eminent Indians who took part in Congress work during its early days may be mentioned here: Surendranath Banerjee, W. C. Bonnerjee, Dadabhai Naoroji, Phaneshwar Mehta, Dadabhai Naoroji, K. T. Telang, M. Q. Rassid, B. G. Tilak, G. K. Gokhale, A. M. Bose, Rabi Behari Chatterjee, Motilal Nehru, B. C. Pal, Arambaldi Ghose, Ayodhyamath Madan Mohan Malaviya, Lalgudi Raj Selvamayya Iyer, Sankaran Nair, Aswadullah Charkhi, etc.

Space will not allow a detailed narrative of the history of the Congress but a very brief review will not be out of place. The early relations between the Indian National Congress and the Government were amicable. When Massa consulted Lord Dufferin, the successor of Lord Ripon as the Viceroy of India, about his plan, the latter declared "that he found the greatest difficulty in ascertaining the real wishes of the people and that it would be a public benefit if there existed some responsible organization through which the Government might be kept informed regarding the true Indian public opinion."¹⁷⁸ Many liberal-minded Anglo-Indian officials and non-officials, like Massa, Sir William Wedderburn, Dr. Henry Colvin, George Yule, Eardley Norden, and others, attended the meetings of the Congress and took an active part, while Lord Dufferin in 1888, and Lord Curzon in 1897, actually invited the members of the Second and Third Congress held respectively in Calcutta and Madras as "distinguished visitors" to garden parties at Government House;¹⁷⁹ the first two presidential addresses therefore naturally contained sentiments of confidence and faith in the British Government. But this attitude of friendliness was violated very soon. In 1886 Sir Auckland Colvin assailed the Congress, and Lord Dufferin, hitherto well-disposed, officiated

¹⁷⁷ Bhattacharya, *Op. cit.*, p. 38.

¹⁷⁸ Wedderburn, *Op. cit.*, p. 92.

¹⁷⁹ Zutty, *Op. cit.*, p. 112; McDonald, *Government of India*, p. 3.

its programme in his speech at the St. Andrew's Dinner in Calcutta in 1887, and referred lightly to the educated community as a "numerous minority." In 1890 the Government officially declared that the Congress belonged to that class of conferences which private individuals might attend, but from which "Government officials are necessarily debarred."¹⁰³ The Congress thus developed into an "Opposition to the Government,—not a formally constituted Opposition but an Opposition which challenged the state and the authority of the Government."¹⁰⁴

Muslim attitude towards the Congress is an important point for study. Sir Sayyid Ahmad (1817—1895), an eminent leader and reformer of the Muslim community in India, and a statesman who believed in the "unity of humanity of India,"¹⁰⁵ was yet of opinion that in the then state of Indian politics the changes proposed by the Congress would be opposed to the interests of the Muslims who formed a minority. He therefore decided (1882) to keep his community aloof from the Congress, and three years later stood in defiance opposition to that body. In 1885 he started the Patna Association "as a counterbalance to the Congress."¹⁰⁶ and followed it up by founding in 1893 the Upper India Muhammadan Association. It cannot be said, however, that the whole Muslim community was opposed to the Congress; there were from the very beginning some who associated themselves with the Congress. Out of 372 delegates attending the sixth conference held in Calcutta in 1890, 124 or 33 per cent were Muhammadans.¹⁰⁷ Justice Badruddin Tyabji of Bombay was Congress President in 1887, and

¹⁰³ McDonald, *Op. cit.*, p. 4.

¹⁰⁴ Ibid.

¹⁰⁵ He wrote in 1884: "In the world Hindus I include both Hindus and Muhammadans because that is the only meaning which I can attach to it."

¹⁰⁶ Zaidi, *Op. cit.*, p. 129. Bezwada, *Op. cit.*, p. 102.

¹⁰⁷ Sir Venkay Loren, *A History of the Indian National Movement*, p. 43.

Rahman Ali, Mohammad Sayyid (1847–1902) another prominent Muslim of Bombay, presided over the Twelfth Congress held in Calcutta in 1896 and in that capacity he declared: "It is imagined by some persons that all, or almost all, the Muslims of India are against the Congress movement; this is not true. Indeed by far the largest part do not know what the Congress movement is." The Congress, however, pursued its cause. A British Committee of the Indian National Congress was founded in London, in 1890 it published a journal of its own (*India*) which in 1892 became a monthly, and in 1893 a weekly paper.

From the very beginning, the Congress agitated for constitutional and representative Government. Its first meeting passed resolutions demanding "the reform and expansion of the revenue and the existing local legislative councils by the admission of a considerable proportion of elected members"; "the creation of similar councils for the N.W. Provinces and Oudh, and also for the Punjab"; and the right of discussing the Budget and questioning "the Executive in regard to all business of the administration." It demanded besides other things the abolition of the Council of India as being the "necessary preliminary to all other reforms," and the holding of simultaneous examinations in England and India for admittance into the Indian Civil Service. It also proposed the appointment of a Royal Commission in order to ascertain means for the introduction of representative institutions into India. The Bombay Congress of 1889 was visited by Mr. Bradlaugh (M.P.) and it was resolved there to send a deputation to England "to represent the views of the Congress and to press upon the attention of the British public the political reforms which the Congress advocates."¹¹ The members of the deputation, namely, Hove, Farnesworth Malles, Monroesdale, Goss, W. C. Bonnerjee, Shastrikrishna Easwary Norton, R. N. Modakkar and Surendranath Banerjee, had to pay their own expenses, but

their solution was successful in the sense that they were able to produce an impression upon some enlightened minds (including that of Gladstone) in England. True to his promise, Bentinck introduced a Bill in the English House of Commons in 1850 for amending the Indian Councils Act of 1861, but he was unsuccessful, and his death next year was a setback. A Government Bill was, however, passed readily under the name of the Indian Councils Act of 1892, the provisions of which had been outlined by Lord Dufferin before his departure and which conferred and expanded the Councils to some little extent.¹⁰¹

The year 1892 marks a turning-point in the history of the Indian National Movement. We shall notice hereafter the rise of Religious Nationalism or Extremism and Revolutionary Nationalism or Terrorism. The leaders of each school were at first¹⁰² opposed to the Westernisation of India, and aimed at creating her complete independence and at restoring her "pastoral purity and ancient glory and prosperity." The factors which led to the rise of Extremism and Terrorism have been thus summarised by a present-day writer:— "(1) the influence of certain external factors like the defeat of Italy by Abyssinia in 1896 and more particularly of Russia by Japan in 1905, the achievement of national unity and independence in Italy under the inspiring leadership of Mazzini, Garibaldi and Cavour, and the nationalist attempts in Russia, Egypt, Persia and Turkey; (2) the unscrupulous acts of the British administration in India especially under Lord Curzon, such as the passing of the Age of Consent Act, 1891, the Calcutta Corporation Act, 1899, the Indian Universities Act, 1904, the Official Secrets Act, 1908, the carrying out of the Partition of Bengal in 1905, the undertaking of a costly expedition to Tibet and the search for a scientific frontier in the North-West involving difficulties with Afghanistan and a substantial increase in military expenditure, the despatch of Indian troops to South Africa and China, etc.

¹⁰¹ *Ibid.*, 202.

¹⁰² Later Extremists and Revolutionaries have mostly made friends with the West.

(1) the visitations of natural calamities like famine and plague and the measures taken to meet them, (2) the anti-national conduct shown by the Government in dealing with economic questions, such as the exclusion of Indians from higher appointments in their country, the levying of counter-taxes on our Indian cotton goods, and the monopolies of the exchange policy; (3) the display of racial arrogance, rudeness and bad manners by Anglo-Indians, leading to unfortunate conflicts and murder, and the non-observance of justice in such cases, (4) the unjust and humiliating treatment meted out to Indians in the colonies especially in Transvaal and Natal, (5) the awakening of the people caused by the new intellectual and religious forces by education in schools and colleges, by propaganda and agitation through the press and the platform, by personal contact at meetings and conferences, and by the work of religious reformers and associations; and (6) the failure of the Indian National Congress in getting Indian wrongs redressed and Indian demands fulfilled by old methods, i.e., by holding annual sessions, delivering reasoned speeches, passing resolutions and addressing petitions to the House of Commons and the British nation.¹¹¹

The instalments of reforms released by the Act of 1882 did not satisfy the hopes of the younger members of the Congress, and they soon thought the mild methods of the Congress—its "moderation and loyalty"—to be insufficient for securing the political freedom of their motherland. It was, at Poona that the extreme section of the political workers first became a field for work, later on it spread to Bengal and the Punjab. The Deccan, which had in the days of Mughal imperialism produced a national hero in the person of Shivaji the Great, now also supplied the first leaders of the Extremists—both by way of a Hindu section. Bal Gangadhar Tilak was a man of remarkable intelligence and culture, belonging to that

¹¹¹ G. H. Singh, *Landscape in Indian Constitutional and National Development, 1885-1919* (p. 204).

section of the Dacca Brahmins called the Chittagong to which belonged the Pundits of the eighteenth century. An eminent scholar with mastery over Sanskrit, Marathi and English, of versatile talents, a powerful orator, and above all a man of high moral character, Tilak was "proposed to vindicate and uphold the whole Brahmanical position as the one and最後的 of Hinduism and the only true foundation of an Indian nationhood capable of overthrowing the political as well as the spiritual domination of the West."¹¹¹ He proceeded to enter the Hindu gurus and heroes to endow a new life and a new spirit in the people,¹¹² and so inaugurated the celebration of the Ganapati festival in 1893 and of the Shivaratri festival in 1895. He bitterly opposed (apparently from the point of view of religious nationalism and political expediency) Lord Lansdowne's Age of Consent Bill of 1890 introduced for raising the age of consummation of Hindu marriages from ten to twelve, though it had been supported by such patriotic and learned men as Telang and Bhanderkar, and strongly denounced the bill in his vernacular journal the *Kavir*. While it was clear that the nationalism of Tilak's school was much too narrow in basis and outlook to finally suit modern India, for the time being it proved a force to reckon with. One important feature of Tilak's work was that he used to initiate the students into the virtues of disciplined action and physical training so that they might develop the necessary grit for organised political struggle. Two fine natural orators—Jotirao and Phule—"served to help his designs." Bent had remarked ten years ago:—"Agricultural distress is the major cause of revolution in India, and political education, unaccompanied by political power, its mere passing."¹¹³ When a famine broke out in 1896 Tilak with his knowledge of the Irish Land League

¹¹¹ Chaudhuri, *India*, p. 47. The author has described Tilak in another article (*Indian Union*, pp. 45-46) as "one of the most dangerous persons of India," and "only the Father of Indian Union."

¹¹² G. N. Singh, *Op. cit.*, p. 281.

¹¹³ *Op. cit.*, p. 226.

started something like a no-run campaign amongst the Dewani peasants.¹¹⁴ This famine was followed quickly by an outbreak of bubonic plague, which produced a famine in the western parts of the Bombay Presidency. The Bombay Government in spite of its severe desire to save the people from this terrible disaster hurriedly took measures which proved to be "inefficient" and unpopular.¹¹⁵ Persons suffering from the disease were separated from persons not attacked with it; houses to houses visitations were reported to, and in Poona it was for some time considered necessary to employ British soldiers as search parties.¹¹⁶ All these loosely aimed popular opinion, and Tilak, who had so long cooperated with the Government in relief work, now charged the "British soldiers with every sort of excess."¹¹⁷ and impugned "not merely to subordinate officials but to the whole Government itself deliberate direction to oppress the people."¹¹⁸ Unfortunately, on 22nd June, 1897, the day of the Jubilee Celebration of Queen Victoria, Mr Read, the Plague Officer of Poona, and his two aides Lt. Aveson of the British Engineers on duty, were murdered by two Chaperon Brahman brothers, Damodar and Balenrao Chapekar, who were subsequently tried and executed. They had founded in 1893 a society in Poona for physical and military training called the "Society for the spread of knowledge to the Hindu Religion," and this society was responsible for several other violent acts. The Government came forward to suppress the growth of the Revolutionary Movement by repression. Tilak was arrested for sedition on 27th July, 1897, and imprisoned for eighteen months, six months of his sentence being subsequently suspended. The printer of the *Kaviraj* and the editor of the *Poona Vriksh*, the *Mahadevi* and the *Pastor* were also

¹¹⁴ Adikar: *The Life of Lokmanya Tilak*, pp. 48-51.

¹¹⁵ Bradwell, Op. cit., p. 268.

¹¹⁶ Lovett, Op. cit., p. 49.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

arrested,¹²¹ and two others or landlords the Nasu brothers were on suspicion of being in touch with the political movement, deported under Regulation XXIV of the Bengal Regulation corresponding to Bengal Regulation III of 1815.¹²² Thus "the Peepal month of 1857 like the Holiay, like all violence in fact, inevitably激发ed feelings, both on the Indian and on the English side,—and set the clock back for the time being,¹²³ as all violent movements in history must.

But revolutionary ideas and activities soon appeared in other parts of India. Tilak,¹²⁴ though his engagement became a martyr in the eyes of his people,¹²⁵ and his Kossai continued to exercise a great influence as before. Bengal was the first to be moved by his ideas and methods. In the Congress of 1907 Subodhnarayan expressed these sentiments:

"For Mr. Tilak my heart is full of sympathy. My feelings go forth to him in his prostrations. A nation is in travail." Lord Curzon came out as the Viceroy of India (1890—1905) at a time when the political temper of the country was thus disturbed. Under him, remarks Sir Valentine Chirol,¹²⁶ who is by no means an unfriendly critic, "a system of Government by efficiency reached its apogee." But administrative efficiency does not always bring national and political contentment, and the means which he adopted for securing this efficiency were regarded by the Indian nationalists as strong measures for tightening the hold of British imperialism on the country. Lord Curzon failed to realize that "India presents not only political but psychological problems of the first importance, and with all his intellectual gifts, Lord Curzon, seldom, if ever, showed himself possessed of the spiritual vision which is of the essence of real statesmanship."¹²⁷ It was on grounds of

¹²¹ Athalye, *Op. cit.*, p. 94.

¹²² J. N. Basu, *Op. cit.*, pp. 153-4.

¹²³ Zutty, *Op. cit.*, pp. 155-6.

¹²⁴ *Ibid.*

¹²⁵ John, *CM* and *MS*, London, 1923, p. 102.

¹²⁶ Chaud. *Ibid.*, p. 115.

administrative efficiency, that he tried the Partition of Bengal in 1905¹⁰³ which greatly interested the discontent of the Hindu politicians of Bengal and was largely responsible for the spread of the Revolutionary Movement. It was introduced at an ominous time "¹⁰⁴ when a bold Asiatic Power, Japan had vanquished the giant Russia about whose movements England herself had for a generation shewn such undivided nervousness. Japan's surprising victory could not fail to thrill India from Cape Comorin to the Himalaya, nor to be taken by her as a turning-point in the political relationship between East and West."¹⁰⁵ The teachings of Swami Vivekananda were also influencing young minds in Bengal at this time by creating in them a feeling of admiration for their motherland, and of confidence in her future political destiny.

In spite of protests from the leaders of public opinion from different parts of the country, the partition scheme was promulgated in a Government Resolution, dated 19th July, 1905, and it became a "settled fact" on the 16th of October, 1905, when the new province of Eastern Bengal and Assam came into existence with Dacca as its capital and Sir Banarsiidas Feller as the Lieutenant-Governor. This partition was regarded by the politicians of Bengal as an open application of the policy of 'divide and rule' intended to prejudice their national solidarity and strength by dividing them into two administrative units, "¹⁰⁶ to drive a wedge between the two communities and to create a new Muhammadan province in which the government was to be conducted on the basis of creed differences."¹⁰⁷ Process meetings were held in different parts of Bengal and at a great demonstration at the Calcutta Town Hall on 7th August, 1905, a boycott campaign was launched '¹⁰⁸ as a protest against the indifference of the British public as regard to Indian affairs and the consequent disregard of Indian public opinion by the gov-

¹⁰³ Lest France, *India Under Curzon and After*, pp. 361-362.

¹⁰⁴ Zaidman, *Op. cit.*, p. 179.

¹⁰⁵ G. N. Singh, *Op. cit.*, p. 303.

out Government," and it was decided "to abstain from the purchase of British manufactures so long as the Partition Resolution is not withdrawn."²⁰² As we have already noticed, the partition actually came into force on the 16th October, 1905, and the negative Boycott and the positive Swadeshi programme were soon accepted with religious fervour by the youth of Bengal.²⁰³ Vigorous propaganda was carried on by leaders like Surendranath Banerjee and Bipin Chandra Pal, and the Boycott and Swadeshi movements soon extended from Bengal to the other provinces of India. The Congresses of 1905 and 1906 sanctioned both the movements as all-India political weapons of great economic value.

These years are important in the history of the Indian National Movement also for other reasons. In the Congress held at Benares in December 1905 under the presidency of the veteran and sober politician Gopal Krishna Gokhale, the younger men raised the standard of revolt under the leadership of Bal-Gangadhar Tilak, Lala Lajpat Rai and Bipin Chandra Pal ("Bal-Lal-Pal").²⁰⁴ A new hue was given to Indian politics, the policy of "mendacity," as the Congress method was derisively called, was henceforth even more seriously assailed, and significantly enough that great Indian Sinn Féine (and adversary of Gokhale), Tilak, was once more assailed with an oration, as at Benares he rose to speak on Peasant Resistance, on Farmers, and on Poverty, and a resolution was carried the Prince of Wales' tour was only carried by an arrangement whereby the Bengal delegates withdrew from the meeting for the session.²⁰⁵ In the next Congress held in Calcutta in 1906 an open rupture between the party of the Moderates and the party of the Extremists was presented by the

²⁰² P. N. Banerjee Op. cit., p. 192.

²⁰³ Inviting God Almighty to be our Witness and standing on the presence of other congressmen, we take this solemn vow that in the presentation we shall not have made untrue and untrue from the aim of being untrue to help us God "called". p. 229

²⁰⁴ Tagore Op. cit., p. 193

Act of 22 June, 1908, the Criminal Law (Amendment) Act of 11th December, 1908, punishment of Tilak at Mandiray for publishing two articles in his *Kavita* on 12th May and 9th June 1908, and further deportations under Regulation III of 1856 of several Bengal leaders like Annie Besant Datta and Krishna Kumar Mitra, whose influence was based on things other than politics, and "who were the leading spirits of the Swadeshi movement."¹²² The execution could not be killed : "the revolutionary movement reached the crest of the wave during 1913 both in Bengal and the Punjab."¹²³ and "Indian revolutionaries abroad tried to take advantage of the outbreak of the Great War to get help from Germany to push forward their schemes of work in India."¹²⁴

The leaders of the Muslim community got a new body for the expression of their political ideas in the All-India Muslim League founded in December 1906. H. H. the Aga Khan remained as the permanent President of the League till 1913 and its objects were defined by its constitution in the following terms :—"(1) to promote among Indian Muslims feelings of loyalty towards the British Government, and to remove any misconception that may arise, as to the intentions of the Government with regard to any of its measures, (2) to protect the political and other rights of Indian Muslims and to place their views and aspirations before the Government in temperate language ; (3) as far as possible, without prejudice to the objects mentioned under (1) and (2), to promote friendly feelings between Muslims and other communities of India."¹²⁵ The League was thus an association of the legalistic members of the Muslim community who wanted special reforms for it. It had branches in India known as Provincial Muslim Leagues and also a London Branch, with Sir Syed Azaad Ali as the first President.

¹²² *Ibid.*, p. 389.

¹²³ T. M. Singh (*Op. cit.*), p. 428.

¹²⁴ *Ibid.*, p. 429. M. C. Rajani, page 21.

¹²⁵ *Muslim League Review*, April 1906, pp. 34-5.

Thus as against the activities of the Extremists and the Anarchists, there were the Moderates in both the communities whom the Government tried to satisfy by conciliatory measures. In the mid of the political stage came the Morley-Minto Reforms which were at last welcomed by the Moderate leaders of the Congress as "an indication of what India was entitled to claim."¹⁰⁰ The Madras Congress of 1919 had expressed its "deep and general satisfaction at the Reform proposals formulated in Lord Morley's despatch" and Mr. Gokhale had described them in December 1919, "as modifying the bureaucratic character of the Government and offering the elected representatives responsible association with the administration. He looked to local self-government to provide the real school of political education, and anticipated that Indians would now have full control and management of local affairs."¹⁰¹ But in actual working the Reforms were found to be unsatisfactory and in August, 1920, the moderate leader Gokhale himself declared in the Imperial Legislative Council—"Now, my Lord, we well know that since the Government have made up their mind to adopt a particular course, nothing that the non-official members may say in the Council is practically of any avail in bringing about a change in that course."¹⁰²

From this time other factors also began to influence Indian politics. The treatment meted out by the Union Government of South Africa to the Indians there, against which Mr. Gandhi had started the Satyagraha movement, the humiliating position of the Indians in the other British colonies, and the question of Indian migration to the Crown Colonies which had come into

¹⁰⁰ *Clouds, India*, p. 12.

¹⁰¹ M. C. Rajput, p. 97.

¹⁰² *Proceedings of the Imperial Legislative Council*, Vol. XLIX, p. 27.

"We may be permitted to compare, that given a subject people the right to decide, without the right to act as England did in India and America did in the Philippines, cannot be anything but a hollow victory." *Memorandum and World Politics*, p. 30.

existence after the abolition of slavery in 1833, caused strong feelings of discontent and indignation.¹²¹

The World War of 1914 considerably influenced the course of Indian politics. After its outbreak, India rendered splendid assistance to the Allies through men, money and munitions. The memory of the late Lord Kitchener on this point deserves quotation : "The winter campaign of 1914-15 would have witnessed the loss of the Chancal pass but for the stubborn valour of the Indian Corps ... Without India, the War would have been immensely prolonged, if indeed without her help it could have been brought to a victorious conclusion ... India is an invaluable asset to the mother country."¹²² At the same time the War¹²³ induced in India a new psychology. It brought to her a new sense of self-respect and self-reliance, and hastened enormously the development of consciousness amongst her peoples.¹²⁴ This led the Hindus and the Muhammadans to think and act often in terms of one India, and the Moderates and the Extremists to merge their differences in more or less a common political programme. A new generation of educated Indians had now grown up, and being profoundly influenced by the nationalist movements in Turkey and Persia, the war between Italy and Turkey, the agreement between Russia and England regarding Persia, and still more by the Balkan Wars, they came to realize that their true interests were identical with those of the Hindus. The bid for Hindu-Moslem unity made in 1911 by Sir W. Wedderburn, who had come from England to preside over the Congress at Allahabad in 1910, Sir Surendranath Banerjee, Pandit Madan Mohan Malaviya, Sir Beakhan Rakimullah and Mousa Hassan Khan, Nasirul Haq and M. A. Jinnah had indeed failed; but at the second session of the All-India Muslim League held at Lucknow on 22nd March, 1913, under the presidency of Sir Beakhan Rakimullah, it "caused"

121 G. W. Smith, Op. cit., pp. 476-477.

122 Quoted in *Ayer, Indian Constitutional Problems*, p. 345.

123 Gordon Pals, *India in Transition*, p. 22. (See also pages 23 and 24 of the M.C. Report.)

was changed and henceforth the aim of the League was declared to be "the attainment of self-government for India alone with the other communities." The Kanpur Congress of December 1915 under the presidency of Nawab Syed Mehmud Ali Bahadur welcomed this change in the constitution and ideal of the Muslim League, and ultimately in 1916 the Congress and the League formulated a joint scheme of reforms and the two communities thus united themselves together in their political demands.²²¹

From 1916 to 1918 the Congress was under the control of the Moderates, but their leadership passed away after the death of Gokhale on 16th February, 1916, and of Phoolchand Mehta nine months later. The Extremists now mastered the Congress in large numbers²²² at the Lucknow session of the Congress in December 1916, which still "represented all shades and schools of political thought."²²³ Tilak (released in June 1914) for the first time after the Great Session received an enthusiastic welcome. Mrs. Annie Besant was also "almost unanimously accepted as one of the most influential leaders of the new political life and thought in the country." In order to give effect to the political part of her comprehensive scheme for the regeneration of India, Mrs. Besant had joined the Indian National Congress early in 1914 and had started two papers,—the *Commarcet*, a weekly, on 16th January, 1914, and the *New India*, a daily, on 14th July of the same year. She started the Home Rule League by a formal meeting in Madras in September 1916, and this organization cooperated with another Home Rule League which had been inaugurated at Poona by Mr. Tilak in April 1916 and together carried on vigorous propaganda through out India in support of the "Congress-League Scheme." The

²²¹ H. C. Report, p. 26.

²²² "When the Congress met in Lucknow it was clear that the Left Wing of the Nationalist Party, commonly called the Extremists, or even named by the followers of Mrs. Besant and Mr. Tilak were in a dominant majority." India in 1919, p. 26.

²²³ Zaidi, Op. cit., p. 32.

needs of the Muslims in India was also deeply stirred by the war of the Allies against Turkey, especially since 1916 when the Sharif of Mecca had rebelled against his overlord, the Sultan of Turkey, who was the Khalif of all the Faithful and had in "Muslim eyes become England's tool." Thus there was discontent and agitation on all sides, and "the situation demanded new handling."¹¹⁰ Mr. D. Graham Pole, while travelling through India in the cold weather of 1916-17, had "an opportunity of realising how much unrest and dissatisfaction there was in India and how necessary it was for some declaration to be made by the British Government indicating a generous policy of self-determination for India."¹¹¹ At such a time came the Report of the Metropotamia Commission, which had been appointed by the Parliament in 1916 to enquire into the reasons leading to the disaster of the Mesopotamian campaign (from 5th November, 1914 to 29th April, 1918), which had been undertaken by the Government of India and its army. The Report of the Commission strongly condemned the conduct of the Mesopotamian campaign as carried on by the Government of Lord Kitchener and by Mr. Chardinis, the Secretary of State for India, and in July 1917 the latter had to resign. He was succeeded by Mr. E. S. Montagu, who on 20th August, 1917, made the following historic declaration in the House of Commons — "The policy of His Majesty's Government, with which the Government of India are in full accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire." The Montagu Mission arrived in India on 10th November, 1917. After various consultations and enquiries the Secretary of State and the Viceroy, Lord Chelmsford, formulated a joint scheme of reforms which were approved by the other members of the

¹¹⁰ *India in Transition*, p. 23.

¹¹¹ *H.C. Report*, pxxviii.

Montagu, Merton, Lord Dufferin, Mr. Charles Roberts, M.P., Mr. (subsequently Sir) Bhupendrakumar Basu, and Sir William Dakin, from the India Office. This scheme of reforms was embodied in a report to which both Mr. Montagu and Lord Chelmsford affixed their signatures and which was published on 6th July, 1919, after Mr. Montagu had returned to England in May. Its publication however raised "¹⁷¹ an angry outcry from the Extremist organ."¹⁷² Mrs. Besant denounced the scheme as being "¹⁷³ unworthy to be offered by England or to be accepted by India."¹⁷⁴ "The Montagu Scheme," observed Tilak, "¹⁷⁵ is morally unacceptable,"¹⁷⁶ and he started a violent agitation calling upon the people to "stand firm by the Congress-League Scheme as an irreducible minimum."¹⁷⁷ The Moderates, however, welcomed the reforms proposed. They did not attend the special session of the Congress held at Baroda at the end of August 1919; on the contrary they met in a party Conference in November 1919 at Baroda in order to express the views of the Moderates on the 'Montagu' Reforms, and formed an organization distinct from the Congress, known as the India National Liberal Federation. The Muslim organizations also supported the Reforms on the whole, while putting forward criticisms from the standpoint of their special interests. Thus on the Reforms question was broken up the mass of the political parties in India which had been secured during the first years of the War.

The Government of India Act, 1919, received royal assent on 23rd December of that year, and the Reforms were actually introduced in India on 1st January, 1920. But certain factors, "economic, social and political," created an "¹⁷⁸ unfortunate situation" in India at that time,¹⁷⁹ which made the success of the Reforms doubtful from the date of their promulgation. There was certainly a dangerous atmosphere in the country in 1920, especially in the province of the Punjab. The influence

¹⁷¹ S. N. Banerjee, *Op. cit.*, p. 28.

¹⁷² For other views of prominent Congressmen, *vide* Adalajji, *The Life of Balwantrai Tilak*, *op. cit.* 28-31.

¹⁷³ G. H. Singh, *Op. cit.*, p. 141.

of economic factors in the growth of political movements can hardly be overstated. In fact the great political movements in history like the French Revolution of 1789 and others had many economic causes as well as their rest. Similarly in Post-War India, economic troubles accentuated political discontent. Additional taxation to meet war expenses proved to be a hardship on the people, and rise in prices, especially of such commodities as cotton goods, laccares, salt, oil and spices, produced distress throughout the country.²²⁴ This was accompanied by agrarian unrest, notably in Champaran in Bihar, where the tenants protested against the alleged oppression of the Indigo Planters, and in the Kaira (Kheda) district of Gujarat where the tenants demanded reduction of rents in view of the bad harvest of 1917 caused by heavy rains. Nature also became cruel, and the sufferings of the needy people were highly aggravated by epidemics of plague and influenza in 1917 and 1918. To these were added certain political factors together to produce an acute general discontent. The Rowlett Act and the Anarchical and Revolutionary Crimes Act of March 1919, the tragedy at Jallianwala Bagh, Amritsar, and the proclamation of martial law in the Punjab by its Lieutenant-Governor, Sir Michael O'Dwyer—all aroused a “vehement opposition” against the Government. The Khilafat question, or the fate of Turkey during and after the War, agitated the minds of the Muslims in India and once again brought about a temporary Hindu-Muslim unity featured by Mr. Gandhi on the one hand and the Ali Brothers (Muhammad Shaukat Ali and Muhammad Ali) on the other, as much for the sake of unity as for political expediency. The attitude of the all-India services towards the Reforms led the Indian public to apprehend that they would not work the Reforms or would try to render them

“...in a...degree at least that the Government could do them high price and shortage of food caused the greatest distress and suffering in India. They have passed most heavily on the poorer classes and on people living on small fixed incomes on the towns, but the effect of these has been felt by every section of the community.” India in 1919, p. 10.

India. So, instead of being content with the Rowlatt, Post-War India was rilled by a great unrest, in the midst of which Mr. Gandhi shaped the Non-cooperation Movement, which was supported by a majority of votes at a special session of the Congress held in Calcutta in September 1920 under the presidency of Lala Lajpat Rai, with a view to secure India's independence by " bringing world powers to bear on government." This movement remained vigorous till 1924. Mr. Gurur has thus described the nature and course of post-War politics in India:— "The wave of unrest which swept through the country after the War, was totally unlike any of the earlier periods of agitation. It showed itself in many different ways: in the示威 against the Sedition Act which led to the tragedy at Amritsar; in the Khilafat movement which induced hundreds of hard-working Muhammadan youths to sell all they had and move into Afghanistan; in the consciousness of political disabilities and number in Bengal; in the non-cooperation movement led by Mr. Gandhi which caused the partial bypass of the new legislature, and introduced amongst the educated classes a new ideal and a new method of corporate action; in the widespread release of new forces which resulted in the Moplah rebellion in the South, in the heroic of Chaur-Chaura in the North, and in the peasant agitation in Gujarat. Compared with these manifestations the pro-War agitations in Maharashtra and Bengal were provincial and amateur. This had never attempted to conciliate the Muslim 'Faujdar.' he had fought the colonial Hindus with as much zeal as he had harassed the British. he was nothing of a democrat or heart, and was too profoundly contemptuous of Western ideas to have them. His death in 1919 left the field open to Mr. Gandhi, who promptly captured the Congress and wrenches the nationalist movement out of its old groove. He had knowledge and ideas. He understood the West enough to fear and dislike it, and above all he was 'Mahatma,' and thus linked in the minds of men those dreams and ideals which are the very essence of the Hindu religion. The new phase of nationalism was born."

enough to incite the Moderates and sufficiently popular to attract the masses."²⁸¹

But this party among the political leaders of India did not last long. The authority of absolute non-cooperation did not appeal to many Indians whose political education was in the best traditions of the West. A batch of such nationalists formed themselves into the "Swarajist" party in 1923 under the guidance of Mr. C. R. Das in Bengal, Pandit Madan Lal Nehru in Upper India and Mr. N. C. Kelkar in the Deccan. They followed the Panthilite tactics of obstruction for "crushing or ending" the new constitution by entering the Legislative Assembly and the Provincial Councils. The Swarajists exerted a dominating influence on Indian politics till the untimely death of Mr. C. R. Das in June 1925.

Another disintegrating factor in Indian nationalism during recent years had been the re-emphasising of Hindu-Muslim differences and the growth of communalism which has hindered considerably all subsequent attempts towards the solution of Indian problems. "Communal differences in general, and Hindu-Muslim differences in particular are essentially religious to," writes Mr. Graham Pugh, "as if they were essentially religious in their origin. That is certainly not the case. They often have a purely secular origin, and arise from the anxiety, or sometimes from the aspiration of the anxiety of the different communities in India to see their claims adequately recognised in any future constitution."²⁸² The Muslim League was started by Mr. Jinnah in 1924 and Hindu-Muslim unity disappeared, leading to serious communal riots in different parts of the country (e.g., Calcutta riots of April 1926 [²⁸³] after the abolition of the Khilafat by the Ottomans in March 1924,

²⁸¹ *An Indian Commonwealth*, p. 198.

²⁸² India in Transition, p. 22.

²⁸³ Chaudhuri, pp. 278-92. *Report of the Indian Demographic Commission*, Vol. I, pp. 25-31.

"Khilafatism" lost all colour of life,¹¹¹ and the moderate platform of Gandhians and Alibazis gave way. We may note in this connection the attempts of the Sikhs, a reforming branch of the Sikhs in the Punjab under the guidance of a doctored committee called the Shrawan Gurdwara Prabandhak Committee, to bring their holy shrines under trusteeship for the whole community by dispensing the Amrits, which led to violence and disorder throughout the Punjab, until a settlement was reached in 1925. Thus "numerous differences were an open sore throughout India, and were effectively paralysing any attempt to set on foot a mass-wide campaign of agitation against Government."¹¹²

When Lord Irwin took up the viceroyalty of India in 1926 it was an India of despair. All efforts in India to arrest the evil spirit of conservatism had met with only partial success, and all the efforts which had been made by political India to draw home to the Government the necessity of constitutional reforms had met with even less success. Neither the friendly ransacking of the first Assembly, nor the gesture of co-operation adopted by the entry of the Swarajya or Congress Party into the second Legislative Assembly, nor the unanimous request of all shades of opinion which was embodied in the National Demand made by the Indian Legislative Assembly in September 1925, had reduced any change¹¹³ of the Act of 1919. Following upon such a state of affairs the year 1927 came with certain new factors to influence the course of politics. Firstly, the break in Anglo-Russian relations was followed from 1927 by Communist agitation in India,¹¹⁴ where the Government had already apprehended the entrance of Bolshevik adherents. Secondly, the Cape Town Pact, concluded between the Union of South Africa and India, through the statesmanship of the Right Honourable V. S. Savarkar Saheb, guaranteeing irreverable

¹¹¹ See Zebaham, Op. cit., p. 22.

¹¹² India in 1924-25, p. 329.

¹¹³ Collier, Pals, Op. cit., p. 47.

¹¹⁴ Zebaham, Op. cit., p. 230.

"Purna Swaraj" or complete independence, and Comunal Workers' and Peasants' Associations had sprung up everywhere and all industrial centres were disturbed by strikes throughout 1922. The moderation and security of Lord Irwin, the then Viceroy of India, and of the Labour Cabinet of Mr. MacDonald formed for the second time in June 1929, exerted a restraining influence. Lord Irwin visited England in June, and there he remained in close consultation with the Cabinet till October 1929, and within a week after his return to India made his famous declaration of 3rd October, 1929 that he was "authorised by His Majesty's Government to state clearly that, in their judgment, it is implicit in the Declaration of 1917 that the central form of India's constitutional progress, as there contemplated, is the attainment of Dominion Status." It was also made clear, through the publication of the correspondence between the Statutory Commission and His Majesty's Government, that that the publicities of that Commission's Report, a Round Table Conference of British and Indian delegates would be convened in London for the elaboration of a new constitution for India. The Viceroy's generous pronouncements "produced a very generous response in India." "In fact," remarks Mr. Graham Polley, "a change had been accomplished which even the most hopeful amongst us had despaired of in the preceding months."¹¹¹ A manifesto issued from Delhi bearing signatures of all the prominent political leaders of India, in reply to the Viceroy's declaration, "appreciated the sincerity underlying the declaration" and "offered cooperation to H. M.'s Government in their effort to evolve a scheme of Dominion Constitution," and it held it "essential that the public should be made to feel that a new era has commenced" and it therefore considered it "vital for the success of the proposed Conference that there should be a general amnesty, and that the Indian National Congress should have predominant representation on it."

But all these bright hopes were frustrated by the force of opposition which was launched in England against the Bonner-Brown policy. A campaign started there, against the Viceroy's pressurisation and against the use of the tax. "Business States" by a "considerable section of the Press and a number of prominent politicians" (Conservatives as well as Liberals) "however ill-conceived and however little it may have represented the true mind of Britain, revived desire in India to see the sincere intention of Britain to fulfil her repeated pledges."¹⁰ This scepticism led to the re-emergence of a militancy spent in the Lahore Session of the Indian National Congress held in December 1929 under the presidency of the Younger Nehru. This Congress declared that the goal of the Congress "is the attainment of complete independence for India" and that therefore "nothing is to be gained in existing compromises by the Congress being represented at the proposed Round Table Conference;" it also authorised the All-India Congress Committee, "whenever it deems fit, to launch a programme of Civil Disobedience, including the non-payment of taxes, under such safeguards as might be rendered necessary." The Indian Liberals, the Indian States, and the Indian Muslims under the leadership of the Ali brothers with their Khilafat organisation, cooperated with the Government and stood against the Civil Disobedience movement, which was formally launched by Mr. Gandhi on 6th April, 1930, by starting the illegal propagation of salt on the Dandi beach. This movement led to riots and disorders, the Indian leaders like Gandhi, Jawaharlal Nehru, Motilal Nehru, Abdu'l Tyabji, Wazir Sayyid Ali, J. M. Sastri-Gupta and others were imprisoned, and the Government promulgated special Ordinances to cope with particular aspects of the movement. The power negotiations between Sir Tej Bahadur Sapru and Mr. Jayakar on the one hand and the Viceroy on the other could lead to no compromise.

Meanwhile, the first Round Table Conference was officially opened on 12th November, 1930, and was adjourned sine die on 19th January, 1931. On that day the Prime Minister made a striking statement, declaring that a "mutual understanding of intention and difficulty, gained under such conditions as have prevailed here, is by far the best way for discovering ways and means of settling differences and satisfying claims. His Majesty's Government will strive to secure such an amount of agreement as will enable the new Constitution to be passed through the British Parliament and to be put into operation with the active goodwill of the people of both countries."¹⁰⁰ A change of policy was accordingly inaugurated in India; on 25th January, 1931, Lord Irwin released Gandhi unconditionally as well as all members of the Congress Executive in order to "give an opportunity for them to consider the Premier's statement at the Round Table Conference." Through the efforts of Sir T. B. Supra, Mr. Jayakar and the Rt. Hon. V. S. S. Scam an interview was arranged between the Viceroy and Mr. Gandhi and on 18th February "the half-naked fakir," to use Mr. Charnock's phrase, "stepped up the steps of the Viceroy's palace," and on 5th March, 1931, "Mahatma Irwin and Mahatma Gandhi," as Sir Phoebus Bothas put it, signed the Delhi Pact, on the terms that Civil Disobedience will be discontinued, that boycotting of British goods "as a political weapon" will cease, though "irradiate" propaganda and peaceful and nonaggressive picketing will be permitted, that there would be no organized defense of law, and the question of police excesses will not be pressed,—while on the other hand all Ordinances will be withdrawn, and the Government will declare a general amnesty. About the Round Table Conference it was agreed that "steps will be taken for the participation of the representatives of the Congress in the further discussions that are to take place on the scheme of constitutional reform."¹⁰¹ The Pact was not well

¹⁰⁰ Quoted in Appendix II of India in 1930-31.

¹⁰¹ Ibid., Appendix III.

reserved by the Eastman on either side, but Mr. Gandhi was able through the force of his magnetic personality to secure for it the support of the Congress at its annual session held at Karachi on 29th March, 1931. According to the impulsive decision of the Congress Working Committee dated 2nd April, 1931, Mr. Gandhi went as the sole delegate of the Congress to attend the second session of the Round Table Conference (September 7th—December 1st, 1931), which after various discussions formulated a draft constitution for India. Gandhi's work in London was, however, not tactful and constructive, and he could not gain anything impressive; he was again debarred as a state visitor on return to India on 4th January, 1932, for expressing his intention of taking up civil disobedience once again. Thus the country was again in the midst of disorders and turmoil for the greater part of 1932. The question of communal representation and of the place to be given to the Depressed Classes in the new constitution aggravated the agitation, especially after the publication of the Prime Minister's (Mr. MacDonald's) Constitutional Award in August 1932. The situation improved after the formal acceptance of the Poona Pact, an agreement under Gandhi's influence between the Caste Hindus and the Depressed Classes by the Prime Minister on behalf of the Government. The third session of the Round Table Conference convened in London (November 17th—December 24th, 1934) made its own recommendations. The year 1933 was one of comparative tranquillity, though disturbed by an almost universal protest against the 'White Paper' proposals, and by a growing dissatisfaction with the Poona Pact, especially in Bengal.¹⁰ Owing to a persistent 'debtors' campaign in England and India against the White Paper and further political advances, and the delay in the coming of the

¹⁰ See M. N. Sastri, Advocate General of Bengal and a delegate to the Round Table Conference subsequently Law Member in the India Council had to educate Indian and English public on the liability, responsibility and non-binding character of the Constitutional Award and the Poona Pact with unprecedented success.

expected new conviction, there grew a general sense of uneasiness in the country. The renewal of unlawful activities by the Congress since January 1932 led to a series of Government measures directed against various Congress leaders and funds, and the Congress could not function as before. Within Congress circles, however, counsels gradually became divided, and movements were visible towards renewed attempts at Hindu-Muslim unity, and at cooperation with other political parties and the Government, by withdrawal of Civil Disobedience by country. The Bihar earthquake catastrophe (18th January, 1934) gave an opportunity for the collaboration of the Congress and the Government. Aslam and other Muslim leaders used to unite with the Hindus again; the Swarajya or Congress Party was reformed within the Congress which ran an electoral board for the next elections, and the ban on the Congress and its organisations was lifted. On the other hand, there had been during the last few years a marked resurgence of terrorism, especially in Bengal, where measures of economic betterment were now introduced with a view to supply a radical remedy of that political disease.

By the middle of 1934 the Civil Disobedience Movement was formally withdrawn. The Congress became once more a constitutional organisation, most of its activities being restricted to legitimate and lawful. Though Gandhi moved from the Congress and native polities, he remained the real moving force, his advice being sought, obtained and followed at every step. Meanwhile, the need of coalition has made some progress owing partly to the personal magnetism of Pandit Jawaharlal Nehru.

In spite of hostility to the reforms embodied in the Government of India Act, 1935, the Congress contained the last elections and secured signal victories at the polls, with close majorities in six of the eleven provinces. But the party in power declined to form ministries unless the Governors of the Provinces understood not to exercise their discretionary powers of interference with the ministers in their constitu-

signed activities. Then the Governors could not agree to do anything contrary to the provisions of the Act and their Instructions of Instructions. The Congress did not accept any other kind of ministries, and the Government therefore called upon the leaders of minority groups to form ministries, and as a result what has been termed "Interim Ministries" came into being. The steps taken by the Congress and the Local Governments were criticized in detail from many points of view by Indian and British statesmen, and ultimately the Congress docketists decided to end the deadlock and give the new system a trial. Thus from July 1937 the Congress ministers are serving on the government in six provinces, and subsequently in two more.

CHAPTER III

RELIGION, SOCIETY AND CULTURE

The Indian Renaissance of the 19th century has been essentially a matter of the spirit producing striking changes in Religion, Society and Culture along with a demand for national growth. The earlier reformation movements covering three centuries from the 14th to the 17th, which had stirred India much in different parts of the country, had spent up their force to a considerable extent in the long struggle against mediævalism and under the pressure of adverse political circumstances so that the 18th century had become from different standpoints one of the darkest periods of Indian History. "In social usage, in politics, in the realm of religion and art we had entered the zone of successive habits, of decadent traditions, and seemed to exercise our humanity."¹ But it was during the closing years of that century and the beginning of the next that various factors, which have been already discussed,² appeared, making a second renaissance and reformation inevitable.

The spiritual inheritance of religious and social reformation, as of political awakening, in Modern India is to be traced to Raja Ram Mohan Roy (b. 22nd May, 1772) who appeared as "the herald of a new age."³ To save Indian religion and civilisation from the deadening influence of superstition and spiritual blindness on the one hand and the invasion of Christianity and Western modes on the other, at a time "when our country, having lost all link with the immemorial truths of an being, struggled under a crushing

¹ *Ramachandra Rao's Century Review*, Vol. I.

² *Five Essays on the history of Renaissance*.

³ Bhattacharya, *The Web of Modern India*, p. 112. Cf. a paper by Dr. A. C. Sircar entitled 'Rammohun as the Herald of a New Age' in the *Indian Renaissance Centenary Volume*.

land of unbroken, in short, slaves to circumstance."⁴ With profound learning, encyclopedic culture (marked by acquaintance with no less than classical languages as Sanskrit, Persian, Arabic, Latin, Greek and Hebrew) and high philosophical acumen, Rammohun, a free son of India where religion has ever formed the backbone of national life, was, in the words of Mr. Maxwell-Wilson, "perhaps the first earnest-minded investigator of the science of comparative religion that the world has produced."

He was, "says Dr. Bapindra-nath Seal, "the harbinger of the idea of Universal Humanity. Though Voltaire and Volney had a glimpse of the rising sun of Humanism, they dimmed the rays by pitting the East against the West, and ministering and meditating Eastern culture. There was a militant humanism, as opposed to the Raja's symbiotic and universalistic point of view."

Raja Rammohun Ray was a Brahmo of Brahmos. He was also a Vaishnava with Muhammadans and a Christian with Christians. He could thus combine in his personal religion the fundamentals of Hindu, Christian and Islamic experiences. In this way he was, strange to say, multi-personal. But behind all these masks there was yet another Rammohun Ray, the humanist pure and simple, watching the procession of Universal Humanity in Universal History.

Rammohun tried to serve in the Hindu world the doctrine of the unity of Godhead,⁵ and devoted himself to this task after retiring from the East India Company's service, and settling down in Calcutta in 1815. His earliest attempt was the foundation of the Atmikya Sabha,⁶ "an association for the dissemination of religious truth and the promotion of free discussion of theological subjects,"⁷ which lasted from 1815 to 1819. The next important step was his foundation of another organization, which later on became famous as the Brahmo Samaj, on 20th

⁴ Rammohun Ray Centenary Publishing Society, No. 1.

⁵ *The Statesman's Yearbook*, March 1954.

⁶ *Bengali Bharat: History of the Indian Army*, Vol. I, p. 24.

August, 1888, with Mr. Tansenbund Chakravarty as its secretary.¹ But its new theistic service soon created the hostility of the orthodox citizens of Calcutta, who started a rival organisation named the Dharma Sabha with Bharatidhara Banerji as its Secretary, and with its organ the Saraswati Chandra which opposed Raja Ramachandran Roy's Bengali Weekly, the Sarvadharma Kaviraj.² The Trust-Deed of the Brahmo Society dated 5th January, 1872, had done that the Trustees 'shall at all times permit the use building, land, revenues, hereditaments and premises, with their appurtenances, to be used, occupied, enjoyed, applied and appropriated, as and for a place of Public Meeting, of all sorts of descriptions of people, without distinction, so shall behave and conduct themselves in an orderly, sober, religious and devout manner.'

"For the worship and adoration of the Eternal, Unsearchable and Incomparable being who is the Author and Preserver of the Universe but not under or by any name, designation or title peculiarly used for, and applied to, any particular Being or Beings, by any man or set of men whatsoever."

"And that no golden image, statue or sculpture, carvings, paintings, pictures, portrait or the likeness of anything, shall be admitted within the messenger, building, land, tenement, hereditaments and premises, and that no sacrifice, offering or oblation of any kind or thing, shall ever be permitted therein, and that no animal or living creature shall, within or on the said messenger, building... be deprived of life, either for religious purposes or for food."

Then the Raja rejected the barriers of cast-differences, worship of idols and sacrificial rituals, and stood forth as the high priest of Universalism and Love. He started his reformed

¹ Ibid., pp. 38-40. The Society was first located on the premises No. 46 Chittagong Road, then owned by Ram Kamlal Basu, well-known in Calcutta as "Pitambar Kamlal Basu," a resident of Chittagong.

² Basu, Op. cit., Vol. I, p. 46. Bapumohini Mohi Banerji, Standard Pundit, Calcutta, Vol. I, pp. 109-52.

³ Basu, Op. cit., Vol. I, Appendix "A."

church on 23rd January, 1930, and asked for Europe on 15th November of the same year as a private individual,¹⁰ though while in England he declared himself to be the spiritual agent of the Emperor of Delhi before the authorities of the East India Company never to return, passing away at British on 27th September, 1931. His biographer, Miss Cole, has left the following estimate of his life's work:—“Rammohan stands in history as the living bridge, over which India marches from her unenlightened past to her invaluable future. He was the link which spanned the gulf between ancient caste and modern humanity, between superstition and science, between despotism and democracy, between baneful custom and a conservative progress between a bewilderling polytheism and a pure, if vague, theism.” The Raja never thought of establishing the Brahmo Samaj in opposition to the sublime ideas and principles of Hinduism,—his aim was to purge it of some of the grosser pretensions, prejudices and superstitions which had overwhelmed it by an appeal to rationalism and by adapting it to the changed conditions of his age. Mr Ramsey MacDonald has justly remarked:—“The Brahmo Samaj was founded because in his heart the Hindu was unwilling to desert Hinduism but was willing to become liberal and respond to the impact of Western faiths.”¹¹ In thus liberalising Hinduism and making it responsive to all the forces of the modern world, Rammohan enabled India once again after Buddha to give a spiritual message to all mankind, and to embark on a course of creative national history.

After his death, his infant church was left almost entirely under Pandit Ramchandra Vidya-raya but it was passing through “a period of depression,”¹² and according to Pandit Bhyanan Shastri, the Brahmo Samaj during the years 1933–1941 “had no organisation, no constitution, no membership, no treasurer, no pledge.”¹³ But it was soon raised from the

¹⁰ *Proper, Mag.* 1931, pp. 362–42.

¹¹ Miss Cole, *Op. cit.* (ed. 1935), p. 161.

¹² *Op. cit.*, p. 234.

¹³ *Ibid.*, Vol. I, p. 83.

"moralised condition" by the genius and efforts of Mahadev Dnyaneshwar Thakur (Tagore) (1863—1925). He formally entered the Samaj in 1883 and within five years gave it a new life, and "introduced a regular form of church service, including thanksgiving, praise and prayer in the place of the old practice of mere recitation of passages from the Upansishta, attended with music and hymns."¹¹ Mr. Keshi Chander Sen was another important member of the Brahmo Samaj and upheld it with devotional fervour through his message of Love and Faith. His emphasis on Christian and Vaishnava teachings and forms and the rapidity with which social reform was proceeding under his leadership, led to a breach with the more conservative section of the Brahmos, and the Samaj now practically divided into two bodies. A man of wide culture and manifold experience, an ardent atheist after a Universal Religion, Keshi holds a high place among the reformers of Modern India. He took a leading part in the passing of the Marriage Act of 1872, which among other things tended to disapprove child-marriage and fix the minimum age of men and women marrying under that Act at eighteen and fourteen years respectively. The famous Cooch-Behar marriage case of 1878 "formed the great turning-point of Keshi Chander Sen's career."¹² His own daughter under pressure he married to the young enlightened Maharaja of Cooch-Behar who was not yet sixteen. This intermarriage raised a storm of controversy and protest among many of the members of the Brahmo Samaj,¹³ who called for public meetings to expel Keshi from his position as Secretary to the Brahmo Samaj of India and as Member to the Brahmo Mandir.¹⁴ A schism occurred and the 'protestant' Brahmo under the leadership of Aswami-

¹¹ Ibid. The name and宗旨 of the foundation are carrying the ancient status of Brahmo Samaj to the present day.

¹² P. C. Mukundan, *The Life and Teachings of Keshi Chander Sen*, p. 207.

¹³ *Ibid.* Op. cit., Vol. I, pp. 236-44.

¹⁴ P. C. Mukundan, *Op. cit.*, p. 211.

other Bora, Bhimrao Raosai and Bapu Kankha Gavaskar established what has since then been known as the Southern (Universal) Brahmo Samaj, as distinguished from the Ash Khigani Brahmo Samaj, with a democratic composition, and with a continuous brilliant record of social and cultural activities on liberal and progressive lines.¹⁶ After this secession Kekhar also organised a new church known as the New vidhik (New Disseminated) Samaj,—where distinguishing feature is freedom in worship and regard for Kekhar as a prophet.

In Maharashtra a thornto Samaj called the Parashuram Sabha was started in 1849; but its influence was limited and it soon broke up. A more important organisation was a Brahmo society called the Purushottam Samaj formed under the leadership of Dr. Anantachay Panditwad (1823—1899)—with aims of national worship and social reform,¹⁷ and developed under the influence of the Brahmo Samaj. The Samaj has maintained night-schools for working people, a Depressed Classes Mission for elevating the wretched as well as spiritual condition of the depressed classes, a "Lokan" Association for education of girls, and an Orphanage and Foundling Asylum at Panchgani. It has saved itself from the influence of "Western Rationalism and Secularism."¹⁸ under the guidance of two leaders, Dr R. G. Bhadrakar (1827—1927), one of the greatest Sanskrit scholars of Modern India, and Justice M. G. Ranade (1842—1911), who was undoubtedly the central figure of the Renaissance in Western India. It was Mr. Ranade who encouraged the practice of holding Social Conferences along with the annual session of the Congress. Mr. Andrews records that "the last and the most stirring aspect of the new reformation in India is linked up most closely with the name of Justice Ranade, who," according to him, "comes nearest to Ram Mohan Roy and Syed

16. "In reply to the Ash Brahmo Samaj cry of 'Brahmoism or Hinduism, the young, inflexible and 'Brahmoism is catholic and universal'—Samaj Op. cit., p. 199.

17. *Brahmo Op. cit.*, Vol. II, pp. 411—36.

18. *Zachariah, Op. cit.*, p. 44.

Ahmed Khan is the language of vision and the magnanimity of character, but he was more advanced than others in the width of his constructive work. His group of principles underlying Western civilization and his application of them to India can discern."¹² It was under his inspiration and spiritual leadership that the Deccan Education Society, the members of which like Gokhale, Tilak and Ganesh Agarkar have played important parts in the history of Modern India, was founded in 1884. The members of the society, with the motto of 'plain living and high thinking,' took upon themselves the task of educating the youths of their country through simple means, accepting in return a small subscription of Rs. 75 per member for their subsistence. The Society started with a small school which ultimately developed into an important educational centre in Maharashtra like Ferguson College, having 1,700 students in 1930, and a new another institution at Raigad named the Welingkar College.

Gokhale who had joined the Society in 1885 just after completing his university education, could not agree to work with Tilak's Extravaganza, and founded in 1893 the famous Servants of India Society, which also has a brilliant record of social and educational works to its credit. The 'basic principle' of his Society was that "public life must be approached" — As defined by the rules of the Society its object was to train "natural resources for the service of India, and to promote, by all means, the true interests of the Indian people." The members of the society have stood up to this ideal in different spheres, and after Gokhale's death in 1915, the Rt. Hon. V. S. Phadnis took over as second President.

Nanayya Malher Joshi, who joined the Society in 1899, founded two years later in Bombay the Social Service League "to collect and study social facts and discuss social problems with a view to forming public opinion on questions of social service" and to make endeavours "to secure for the mem-

of the people better and reasonable conditions of life and work."¹² The League has made successful attempts to secure its objects and its founder Mr Joshi established in 1929 the All-India Trade Union Congress which could affiliate to itself within five years forty trade unions with 100,000 members.¹³ Mr Joshi continued his work unhampered for the welfare of the masses as the acknowledged leader of the Indian Labour Movement till an attempt was made by the Communists at the Annual Trade Union Congress of 1932 to affiliate the All-India Federation to Moscow.

Mr Hridaynath Kunzru, Vice-President of the Servants of India Society since 1937, started at Allahabad in 1914 an organization called the Seva Samiti which has devoted itself "to organize social service during India (e.g., during the great Kumbha Mela of 1927), famine, floods, epidemics, etc.; to promote the spread of education, co-operation, unitisation and physical culture; to uplift the depressed classes, reduce the criminal and rescue the fallen."¹⁴ A Boys' Association has grown out of this Samiti under the leadership of another member of the Servants of India Society, Mr. Shri Ram Bagga. This Boys' Association has rendered useful services and an English Speaker, visiting the Kumbha Mela in 1933, remarked that "he would like his own boys in England to see how they are working and capture some of the spirit which he saw everywhere."¹⁵ The Madras Branch of the Servants of India Society has of late years paid special attention to village several and administrative work. An organization named Bal Seva Mandal was started in 1932 by Mr Aswadilal Vithaldas Thakker for the uplift

¹² Quoted in Zaidman, Op. cit., p. 51.

¹³ Report of the Royal Commission on Labour, pp. 306-07.

¹⁴ Zaidman, Op. cit., p. 58.

¹⁵ Quoted in Hilt, p. 68. During the last year under the guidance of Mr. Ganesanappa Datta, a Bengal native "sevaks" movement was raised to the genius of the people has developed, the "Virodha" school, now and hereto is spreading from school to school in Bengal—along with the founders other movement the school of folk drama and religious and patriotic.

at the BHU and other shrangrāms of India by inspiring religious and any national cause, and has been doing excellent work.

Afable work has been done for the uplift of women by Mr. Gopal Krishna Devdutt and by Mr. Dadasaheb Kastur Karve, who though not a member of the Society, was however for some time a Professor at Fergusson College. The Indian Women's University founded and conducted by Karve, and the Poona Sava Shala working under the inspiration and guidance of Devdutt, have been rendering great help to the woman's movement in modern India by equipping them with literary, medical, industrial and social service training¹⁴ through its branches at Bombay, Madras, Flapper and other places.

The Theosophical Society has also exerted a considerable influence on Indian social and religious life in modern times. The "Mystic Madam," H. P. Blavatsky, had established the Society in 1875 in the United States along with Col. H. S. Olcott. They came to India in 1879, and since 1888 Adyar near Madras became the headquarters of the Society. The growth of the Theosophist Movement as a force in Indian history has been due to Mrs. Annie Besant, who finally entered the Theosophical Society in 1889, and four years later came out to India, where she dedicated herself to her life's work, which she has thus defined in her *Autobiography*: "The Indian work is, first of all the revival, strengthening and up-lift of the ancient religions,—Hinduism, Zoroastrianism and in Ceylon and Burma, Buddhism."¹⁵ This has brought with it

¹⁴ Dutt et al. 1939-40, p. 229.

¹⁵ During the last few years the work of "convoy, propagating and up-lifting" Buddhism in India and the wider world—viz. only in Ceylon and Burma—the progress apparently through other agencies: Buddhist-Buddhist link may again be developed as an Indian Buddhist Renaissance under with a missionary and propagational agency which could converge and adapt Buddhism to Muslim India and Muslim World. It is to be noted that Bengal and Ceylon are the most interested in this movement. When Buddhism is reinvigorated and reborn in India, the age of Reformation here in early twentieth century will have passed its completion.

a new self-respect, a pride in the past, a belief in the future, and, in an inevitable result, a great wave of patriotic life, the beginning of the rebuilding of a nation." One of her most notable achievements was the establishment at Benares in 1896 of the Central Hindu School which developed later on into a College and ultimately into the Hindu University at Benares.

Reformism in Modern India owes a great deal to the Ramakrishna Mission and the Arya Samaj. The former named after Ramakrishna Paramahansa (1834-1886), the Saint of Dakshineswar near Calcutta, was founded ten years after his death by his ardent disciple Narendra Nath Datta or Swami Vivekananda (1863-1902). He attended the "Parliament of Religions" in 1893 at Chicago, where he "proclaimed the Vedas as the grand, universal, super-religion of the world, and he has certainly never lacked successors in the United States, where the preachers of gods and savans have ever since found ready audiences."¹⁰ Vivekananda attended another Congress of Religions held in Paris in 1890 and he met, remarks Sir Valentine Glazebrook, "the fine Hindu whose personality was demonstrative recognition abroad for India's ancient civilisation and for her newborn claim to manhood."¹¹ The Ramakrishna Mission with branches in different parts of India has been doing splendid humanitarian and social service by opening dispensaries, orphanages, schools, etc.

The Arya Samaj was formally started in Kathiawar in 1873 by Swami Dayananda Saraswati (1824-1883). It was also in Bombay that he published his admirable treatise, *Satyarthi Prakash*, "which expounded his doctrine and founded it as a doctrine *not* *guru*."¹² But his preachings took the strongest root in the Punjab and in the United Provinces.¹³

¹⁰ Zuckerman, Op. cit., p. 24.

¹¹ India, p. 13.

¹² It may be mentioned here that while many of the Hindus in the Punjab left their progressive thoughts and became Arya converts, Bapuji Agnihotri (now M.S. A.D.L., a prominent member of the Lahore Hindu Society) insisted from the time

Swami Dayananda had no English education, but he was a good Sanskritist, and was deeply impressed by a comprehensive study of the Vedas. He therefore aimed at reconstructing modern India on the model of the ancient Vedic Society as he conceived it to have been, "by a pruning of all the superfluous shoots upon the Vedas."¹⁰ Delving with admirable courage the various texts of life, especially the annals of the orthodox Hindus, the Christian missionaries and the Basque Missionaries, Dayananda "readily has appeal, not to an English educated élite but to the broad masses of his fellow countrymen,"¹¹ as did Ramakrishna Paramahansa.¹² He had no faith in the religious system of the Puranas which he attacked as the "works of the selfish ignorant and malevolent men," and he was hostile to caste-worship.¹³ He was an enemy of the caste system, and of sacrifice, and wanted to remove superstitions from the minds of the people. He opposed child-marriage, advocated travel to foreign lands, and also encouraged all widow and female education. One important item in the programme of the Saraswati has been the Sardha work of re-Hinduizing the Jellal, the cuttukas, the caravans and other outcasts. The Saraswati has in certain respects done splendid social and educational work, and has remained "¹⁴ a great and powerful factor to this day in the cultural life of

10. *Web. February*, 1888, a diary of his own called the *Dya Dvaya*, which "communes with the older and fonder of Indian Puranic Myths, i.e., moral, religious and various, educational and charitable associations, etc., the very natural love of being ultimately spiritual." *Satguru* Op. cit. p. 26.

11. *MacDonald*, *The Government of India*, p. 126.

12. *H. H. Munro's History of the Indian Reformation*, p. 47.

13. Swami Dayananda's *Satygraha Prakash*, translated by Dr. Chittaranjan Dasgupta, p. 160. It should be noted that in those days there were no social annals of Vedic and Puranic literature and we should not be surprised at the uncharred and unscrupulous attitude of the early Reformers towards them.

14. For the various charges brought against old age by Swami Dayananda vide *Ibid.*, pp. 154-61.

India and are seriously to be reckoned with in future.¹¹ The success of the Shastras has been greatly due to the efforts of three able successors of Dayananda—Lala Harsai, Pandit Ganu Das and Lala Lajpat Rai. It was due to these enthusiasts that a school was founded to propagate the memory of Dayananda after his death, and this institution has later on developed into the well-known Dayananda Anglo-Vedic (Dr. A. V.) College of Lahore. In 1892 the Arya Samaj was split up into two parties—one led by Lala Harsai, which controlled the Dayananda Anglo-Vedic College, advocated meat diet, and worked for a liberal education and progress, while the other under Moshik Ram (now as famous as Swami Bhaktimuni)¹² endeavoured to be as modern, but Vedic, and harkened back to the traditional Brahman ideal of ascetic ascetyism.¹³ The latter party founded in the year 1897 a remarkable educational institution, the Gurukul, near Haridwar. The students there are taken from their parents at the age of seven or eight, for a course of sixteen years, under the vow of poverty, chastity and obedience, and placed under the control and influence of these gurus.¹⁴ The common language is Sanskrit, and the most important discipline the Vedas, but English and modern sciences are also taught.¹⁵

It may be noted in this connection that the Revolutionary Movement in Bengal, like other anti-colonial political movements in other parts of India, was "based upon a return to Hinduism."¹⁶ All those old and traditional gods and goddesses," writes Mr. Bipin Chandra Pal,¹⁷ "who had lost their hold upon the modern mind, have been reinterpreted with a new historic and nationalist interpretation in the mind and soul of the people. Hundreds of thousands of our people have renounced to bid their mother-land today as Durga, Kali, Jagaddhatri. There are no longer mere mythological conceptions of

¹¹ Zacharias, *Op. cit.*, p. 40.

¹² *Ibid.*, p. 41.

¹³ MacDonell, *The Government of India*, p. 241.

¹⁴ *The Soil of India*, pp. 187-88.

legendary persons as even poetic symbols. They are different manifestations of the Mother." Even the map of India came to be represented as the Mother goddess.

The Parsi community in India have also been considerably influenced by the 19th century Indian Reformation. A number of young men, a band of able workers, the most notable of whom were Dadabhai Naoroji, J. B. Widoe, S. S. Banerji and Nasarwanji Firozji, started in 1881 the Indian Mahayana Sabha or Religious Reform Association for "the regeneration of the social condition of the Parsis and the restoration of the Zoroastrian religion to its pristine purity." Kasturbai Rustomji Cama, after her return from Europe in 1899, lived hard for the spread of education among the members of her community. Balwantri M. Malabai (born at Baroda in 1859 or 1864 A.D.), a prominent member of the Parsi community, is entitled to be ranked as one of the greatest social reformers of modern India for his brilliant services in the cause of Indian women and children, journalism and education.²² In 1918 was inaugurated a Zoroastrian Conference under the inspiration of a Parsi priest named Dauli who had visited America and had studied in the University of Columbia under the famous Zoroastrian scholar Professor Justice, and this organization has rendered useful services for the community.

The Sikhs with a glorious tradition in the past have also been moved by the renaissance spirit to make an attempt for the purification of their religious and social life. The progressives among them established the famous Khalsa College at Amritsar and started a central association called the Gurdwara Board with its office at Amritsar and branches throughout the country, striving for liberal reforms in society and education.

Islam in India has also been stirred into a new life during the last century and a quarter. At the beginning of the 19th

²² A sketch of his life and times has been given by Mr. H. P. Karkar in *India: Fifty Years of Progress and Reform*, London, 1924.

century a "political reform, not unlike that carried on by the followers of Muhammad Abu al-Walid ibn Araba"¹² was inaugurated by and carried on under name "reformists," like Haji Sharif Alih of Eastern Bengal, Sayyid Ahmed of Rai Bareli (1786–1831), Kassim Alih b. al-Jazri (U.P.), in the early part of the 19th century and d. 1823 A.D. His son Muslim Huda Ahmad (d. 1898) and his nephew Muhammed. This movement while strengthening the position of Islam was rather reactionary in character, and opposed the introduction of English education and western institutions,¹³ but it has not been entirely barren of good results to the Muslim community, and its influence has not died out altogether. A "pusher for the freedom of Islam, a pusher for the reforms of Islam, and a well-nigh perfect exponent for propagandists"¹⁴ carried the influence of the movement to different parts of the country.

But far more important than this movement was another which was destined to come and was the reply and the complement to the rapid advance of the Hindus through the new path they had struck out much earlier of assimilating Western civilization and adapting themselves to the new world. This was started by Sir Syed Ahmad Khan (1817–1898), who brought a new message for the members of his community; as an "apostle of reformation" he advocated changes in the political, religious, educational and social ideas of the Muslims in India by effecting a harmony between the old faith and the modern civilization, colonial learning and modern science, in short by establishing a "working harmony between East and West."¹⁵ He visited England in 1858, and after his return established with the help of some of his friends the Muhammadan Anglo-Oriental College at Aligarh in 1875, in the form of a coherent religious opposition. "He had," remarked

¹² Murray T. *Three Indian Islam*, p. 134.

¹³ *Ibid.*, p. 192.

¹⁴ *Ibid.*, p. 144.

¹⁵ MacDonald, *The Government of India*, p. 9.

Dr. Taseer, "a son of an Indian Muslim Oxford, which should train young men of character and capacity in all that is best in Occidental and Oriental learning."¹¹ The college that was thus founded was raised to the status of the Muslim University at Aligarh in 1887, and now forms an important centre of Muslim education in India. He also used to have large-scale translations made of English literature and scientific works into the chief vernacular of Madras, and thus cleared the way for the expansion in higher education through the medium of Urdu, which is being carried on in Hyderabad under the patronage of His Exalted Highness the Nizam by the Osmania University since its inception in 1903.

Sir Syed was an advocate of social reforms like the abolition of purdah, education of women, etc., and carried on vigorous propaganda for these through his magazine Tahqiqat-Ul-Islam (Reforms of Islam). His activities and the Aligarh movement have succeeded in "rousing to new life the whole of Indian Islam," and have given birth to a New Islam with exponents like Maulvi Chughtai, Raja Hora Syed Aman Ali, Dr. Shahid Muhammad Iqbal, Prof. S. Khoda Bakhsh and Prof. A. M. Maslavi. A number of agencies or societies have come into existence for the service of the community, and a powerful Muslim press has grown up during the last fifty years. The spirit of reform is noticeable among the Indian Muslim women as well, as is clear from the sessions of the All-India Muslim Ladies' Conference since 1914. Her Highness the Dowager Begum of Bhopal, who presided over the All-India Women's Conference in 1928, introduced many social and educational reforms for women in her state. Prominent Muslim ladies of aristocratic and intellectual circles have led under the purdah, have received higher education, and take part in political—and educational and social welfare institutions run by Muslim women by themselves or jointly with other Indian women are increasing.

Along with these should be noted the influence exerted by the Ahmadiyya Movement⁴⁷ supported by Mirza Ghulam Ahmad born in 1890 A.D. at Qadian, a small town in the Lahore district of the Punjab. He declared himself to be the Promised Mahdi and soon got a large number of followers. He deplored the popular worship of saints and set himself as a true reformer to restore the true and unadulterated faith of Islam to the followers of the Prophet. At the same time, he could not tolerate the rationalistic exposition of Islam, such as Syed Ameer Ali and Prof. S. Khuda Bakhsh, who were beginning to draw links on the Quran as a perfect work of divine revelation, or among some of the sources of Islam to pre-Islamic Arabic, Judaism and even to Christianity. In regard to social reform, Ahmad stood by the conservatives. He repudiated the abolition of jizyah, and stoutly defended the Islamic law of divorce and polygamy, "spurning any attempt within Islam to adapt Muhammad's teaching and practice to present day conditions or Christian lands."⁴⁸ Ahmad and his followers earned the bitter enmity of the reformist party, following such severe derision of the very people whom he had come to reform.⁴⁹ Notwithstanding, through its various organisations and propaganda the Ahmadiyya community has gained a large number of followers in different parts of the world. After the death of Mirza Ghulam Ahmad in 1908, the affairs of the community came to be managed by a Khalifat with headquarters at Qadian. A split occurred in the community in 1914 when a group headed by Khwaja Karim-ud-din and Major Muhammad Ali formed the Lahori party, the original group being named the Qadiani party. The Qadiani party emphasized the fact that the founder of the community "*must* be regarded

⁴⁷ For details reference may be made to *The Ahmadiyya Movement* by H. A. Wahab.

⁴⁸ *Tawarikh-i-Ahmadiyya*, p. 222.

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as a prophet (Vish) while the Labour party assert that he was only a reformer (renounced) in Islam."¹¹

The influence of Christianity as a factor in the cultural history of India during the modern age should be carefully studied in this connection. Christianity in India has had a long history beginning probably from the days of St. Thomas and Gonophorus (1st century) and certainly from the sixth century when a Syrian Church was established in the Malabar with the Patriarch of Babylon as its spiritual head. While the rise and growth of Christianity was in many ways indebted to early Buddhists working in Western Asia and Egypt, later Buddhists also in turn came to be influenced by Christians. Christian literature may be traced in the evolution of Vaisnavism also. So it is an old factor in Indian History. The early Christian Churches and the Catholics had already long worked in India before 1857, when the first Protestant Mission was established at the Danish Settlement of Tranquebar. The first half of the nineteenth century witnessed a rapid progress of Christianity largely through the Pentecostal missionaries. The Chancery Act of 1813 laid down: "It is the duty of this country to promote the introduction of useful knowledge and of virtues and moral improvement in India, and that facilities be offered by law to persons desirous of going to and remaining in India to accomplish this benevolent design." In 1820 an Anglican Bishop was appointed in the E. I. C.'s dominions for the first time, and Bishop Middlemore came out to Calcutta as the first Metropolitan of India. Most of the Protestant Missions were founded in India between 1815 and 1835 and the Bishoprics of Madras and Bombay were established in 1835. Many high-caste and educated Hindus in Benares, Bengal and Madras were converted to Christianity. In Bengal conversion was effected through the systematic efforts of missionaries like William Carey, Joshua Marshman, William Ward, Daniel Beeson, William Grant and Rev. Alexander Duff; similar work was carried on in

Bombay by Dr. John Wilson,¹¹ in Madras by Robert Hinde and in the Punjab by Dr. Fazlurra (after whom the Fazlurra Christian College of Lahore is named). These missionaries besides carrying on the work of conversion also helped directly and indirectly the cause of Indian Education and Literature which will be noted later on. In the post-Mutiny period owing to the unfortunate breach between Europeans and upper class Indians the attention of the missionaries of both the Protestant and the Catholic Churches was directed more towards the conversion of low caste people and backward aboriginal hill tribes like the Santals, Gonds, Mundas, Nagas, Khasias, Gaurs, etc. The line of activity has later on been followed by Hindu and Muslim workers, working in the acceptance in either field of various depressed or ascetic groups. So far as the direct effect of Christianity in India is concerned it will be noted that a fairly numerous Indian Christian community has grown up, led by a small class comparable to the Hindu intelligentsia, but consisting of a majority of members from depressed and aboriginal classes reclaimed to democracy and civilization. Its indirect influence is, however, more important in India in general. The efforts of the Christian missionaries to propagate their own faith at the cost of Indian religions made the natives of the country watchful about the preservation and transmission of their own faiths by restraining their ortho, or in other words the need for protection against the arrival of an external force led to management and reformation of faiths within the country. Further the activities and success of the Christian missionaries among the depressed classes have led the 'caste' Indians to change their attitude towards the latter from one of neglect and indifference to that of sympathy and fellow-feeling; and today we find our political leaders trying sincerely to remove the problem of untouchability; in this respect they are simply working out the Indian Renaissance made possible by Christianity. Lastly, the Christian missionaries, whatever might

¹¹ See *Sabzeh, Early Years of Indian Progress*, pp. 28-41.

have been their objectives, have greatly furthered the cause of education of all grades in Modern India, and have shown to Indian workers the modern way to effective social service through the various types of institutions connected with their religious or cultural way of history,—for this way of social service and these types of institutions originated in Buddhist India and through West Asian Buddhist nations passed into early Christianity, and once again have come back to their true home as a so-called foreign product."

SECTION II.

SOCIAL PROGRESS

The connection between Religion and Society has been nowhere more intimate than in India, and as Indian reformations have involved as much of doctrinal changes as of social modifications. Here we shall attempt a brief survey of the stages in which the different spheres of Indian society have been influenced by the general awakening of the nineteenth century.

All the reform movements of Modern India have educated the uplift of women and have succeeded, more or less, in this respect. The first measure of importance in this respect was the abolition of Sati or the practice of a wife burning herself on the funeral pyre of her husband, which had survived in its worst form in spite of some attempts on the part of the Company's Government to check it since 1789.⁴² But an Indian

⁴² Cambridge History of India, Vol. VI, pp. 626-27. Steerab. Sen, Op. cit., Vol. I, pp. 47-53. The following statement of the rates of cremation is—

	300 A.D.	104 A.D.	147 A.D.
Catholics	25	25	41
Burmans	14	22	32
Moslems	22	22	42
Poles	26	25	39
Russians	49	61	63
French	17	19	19

Prof. G. H. Raskin, *Socialistic religious systems*, Part I, p. 166.

opposition against the practice grew up in the generation of Raja Rammohan Roy who joined hands with the Government for the suppression of Sati. "The women of India," remarks Mr. Bentinck, "have found no greater defender of their rights than the founders of Brahmoism. He defended the legal rights of females, advocated their right to education and enlightenment, and above all devoted all the energies of his noble soul to save them from a cruel death."⁴¹ Nothing daunted with orthodox opposition under the leadership of Raja Radhakanta Deb,⁴² Rammohan, with the usual zeal of a reformer, carried on a vigorous anti-Sati agitation with the help of some of his friends⁴³ and his Bengali journal, the Kavirash, till the practice was declared illegal by Lord William Bentinck's Regulation XVII of 1839. The opponents of this measure, like Radhakanta Deb, Nilkantha De, Bhawani Chandra Mitra and others, tried for its repeal through petitions to the Government and by organizing meetings under the auspices of the Dharma Sabha, but to no effect. When in 1833 eight hundred Hindus of Bengal made an appeal to the Privy Council against Bentinck's measure, Rammohan Roy, who was then in England, "obtained access to Members of Parliament and was consulted by the Privy Council. With all the emphasis and power of his commanding intellect and personality, he ledged them to reject the appeal of the pro-Sati party (which they did in 1833), and he prepared a petition from progressive and learned Hindus, thanking Lord Bentinck for what he had done."⁴⁴

⁴¹ Op. cit., Vol. I, p. 47; also the B. C. Das, *Literature of Bengal*, pp. 147-51.

⁴² For details regarding the activities of the orthodox party, see B. N. Bhattacharya, Op. cit., Part I, pp. 100-11 and Bentinck, Op. cit., Vol. I, pp. 34-7.

⁴³ At a meeting called at the Government House in Calcutta to discuss the question of Sati, Pandit Gournarayan Takalaga delivered a lecture respecting Rammohan's views upon that practice.—B. N. Bhattacharya, Op. cit., Part I, p. 148.

⁴⁴ Quoted in Zebinaus, Op. cit., p. 18, from "Sister" (London, 1838), p. 11.

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Stony cases of unassisted or accomplished Sati have however been reported occasionally during the last century,²¹ and it would appear that the recent tendency of justifying everything maternal or ancient has encouraged the suppressed practice to some extent : thus in the Patna district of Bihar there was an alleged Sati case in November, 1927 ; in 1930 again a widow in the Haridwar district of the same province attempted to commit Sati.²²

Evils like polygamy, Kulinism²³ and child-marriage were attacked by all the notable reformers of Modern India and have now almost disappeared from the better classes of Hindu Society. It appears from a study of Rammohan's 'Brief Remarks Regarding the Ancient Rights of Women' that it was he who first raised a voice against polygamy and Kulinism, and his work was carried on by a number of other reformers who succeeded him. The Native Marriage Act of 1872, passed through the exertions of Keshav Chandra Sen, "abolished early marriage, made polygamy penal, sanctioned widow marriage and intercaste marriage" for those who chose to come under that Act.²⁴ The attempt of Keshav Chandra to raise the marriageable age of girls deserves mention in some detail. As President of the Indian Reform Association he issued in April, 1871 a circular letter to the leading medical authorities in the country asking for their opinion on the subject. The majority of these gentlemen declared sixteen to be the minimum marriageable age of our girls.²⁵ In the beginning of 1877 some young members of the Brahmo Samaj started in Calcutta, somewhere like a Secret League and took several wives, one of whom "pledged them never to encourage marriage between

²¹ Chaudhury, Administrative Problems of British India, p. 170; K. C. Datta, Education and Social Amelioration of Women in Pre-War India.

²² India in 1930-31, p. 246.

²³ S. N. Banerjee, Op. cit., Part II, pp. 176-80.

²⁴ Sen, Op. cit., Vol. I, p. 281.

²⁵ Sen, p. 289.

youngmen below twenty-one and girls below sixteen."¹⁷ The Arya Samaj also tried hard to abolish early marriage. Besides these attempts, Mr. B. M. Malherbi, the great Pan-influencer of modern times, started from 1884 an agitation against "Infernal Marriage" and through severe measures and educated public opinion.¹⁸ The Government of Lord Lansdowne also came forward to help the reformists in this matter and passed the Age of Consent Act of 1891 which raised the age of consummation from ten to twelve in the teeth of violent opposition from the orthodox Hindus who held that the "Bill was an infringement of the Queen's Proclamation of 1858, by which she pledged her Government to a policy of non-interference with the religious of her Indian subjects."¹⁹ It was, however, "a Pyrrhic victory, for the opposition had been so fierce that Government never again ventured to initiate legislation on any matter which might be deemed, however unreasonably, to interfere in the domain of Hindu religion and social customs."²⁰

Name of physician going native	Minimum marriageable age		Proper marriageable age
	native	European	
Dr. Chandra K. Ray	14		
— Chaitra	14		
— Motilal K. Ray	15		16
— A. P. White (Bengali)	15 or 16		16
— Mahendra Lal Ray	16		
— Tirtha Khan Bahadur	16		
— Hemanta Chakrabarti	16		16
— D. T. Basu	16		16 or 17
— Basu	16		16 or 17
— Fazlur	16		16 or 18
— S. C. Chakravarty	16		18
— Adinath Panditray	20		

¹⁷ Ibid., p. 279.

¹⁸ *Kalikata Op. cit.*, pp. 125-26.

¹⁹ India, p. 19. As usual elsewhere the orthodox opposition was forced and used by Thakur for political purposes as well, and the Government also repudiated Hindu Satyameva Jayate by a policy of indifference to social legislation introduced.

But in 1921 the Government of Baroda passed the Infant Marriage Prevention Act by which the minimum age for marriage in the state was fixed for girls at twelve and for boys at sixteen.⁴⁰ During recent years the "Age of Consent Committee," which had started in Baroda in June 1928 by enquiring into the problem of marriage reform,⁴¹ suggested that "something like half the girls of India are married before the completion of their fifteenth year." After the issue of its report the State Legislative Assembly Child Marriage Bill was passed on 23rd and 26th September, 1930, by the Legislative Assembly and the Council of State respectively.⁴² The object of the Act has been to "discourage the solemnization of marriages between boys of under 18 or girls of under 14 years."⁴³ Orthodox opinion among all the communities has protested vigorously against this Act, but it remains binding. It should be noted however that other factors, chiefly economic and educational, have automatically raised the marriageable age of girls (as well as of boys) almost beyond the expectations of reformers and legislators, though this advance is not uniform to all parts of the society.

Coming to the history of the Widow Remarriage Movement, we find that as early as the middle of the eighteenth century, Raja Raghavabhb. of Dacca made an attempt to reintroduce Widow Remarriage in Hindu Society but could not succeed owing to the opposition of the Maharsana of Krishnagar and of the Purulia of that place.⁴⁴ Balu Nihalani Banopadhyaya of Burdwan in Calcutta, Michaelis Srichandu of (the now) Krishnagar,⁴⁵ and a few others tried for widow remarriage

⁴⁰ J. N. Tagore: Modern Religious Movements in India, p. 261. Since then Baroda has progressed much further in legislation on the subject of marriage and protection of women.

⁴¹ India in 1931-32, p. 7.

⁴² Ibid., p. 91.

⁴³ Ibid., p. 90. In actual working however the Baroda Act has been found to be useless.

⁴⁴ Krishnamachari, p. 160.

⁴⁵ Chittenden: Hinduism, Polygamy, Monogamy, pp. 224-27.

during the years following the abolition of Sati (1829) but their efforts ended in徒劳 because of orthodox opposition.¹² Babu Skymannachan Das, married at the age of his twelve-aged widowed daughter in his house, circulated among the Pandits of the country the question: "Whether the widowed daughter of a Satis who had not known her husband and who was unable to practise the higher virtue of co-resumption with her husband's corpse, in evidence of the hardships of a life of widowhood, could be resurrected apparently to the Shastras."¹³ The Pandits assembled in a meeting to decide the point raised in the house of (the orthodox Hindu) Raja Radhakanta Das and "gave a certificate of permission."¹⁴ It applied in the case of their girls only, and even so such, it was observed and practically had made by the pronouncement.¹⁵

It was Pandit Janchandran Vidyavagish, the great Sanskrit scholar, social reformer and philanthropist of modern Bengal who devoted himself with extraordinary courage and zeal for furthering the cause of widow remarriage in the teeth of violent orthodox opposition under the leadership of Raja Radhakanta Das. Pandit Janchandran tried through his writings and speeches to prove that the marriage of widows was sanctioned by the Shastras and soon gained a large number of followers. He next endeavoured to remove the legal bar to the legitimacy of the issue of the remarried widow, and accordingly presented a petition¹⁶ bearing about 900 signatures to the Government of India; other petitions from notable individuals of Bengal also followed. These efforts bore fruit in the passing of Act XV, dated 26th July, 1856, which legalized widow remarriage and declared the legitimacy of the issue of remarriage widow.¹⁷

¹² M. Banerji, Op. cit., Part II, pp. 71 and 72.

¹³ Source: Transliteration: Social Reforms in Bengal, pp. 2323.

¹⁴ Ibid.

¹⁵ Chaudhury, Op. cit., pp. 123-24 and Appendix 'C.'

¹⁶ Ibid., pp. 124-25; Banerji, Op. cit., pp. 24-27; Joseph Charles, Administrative Problems of British India (London, 1919), p. 123.

"The advocates of widow marriage were not slow to prove that their application for legislation was not an idle demonstration of hollow liberalism, and that the law was not to remain a dead letter;"⁷⁰ within a few months of the passing of this Act widow marriages began to be celebrated, the first (on 2nd Agrihayana, 1263 B.C.) being that of Pandit Shukhechandra Vidyaranya son of the well-known Pandit Ramdhan Tarkshaya, with a widowed daughter of the respected family of Brahmananda Mukundanarayana consented with the guru of the Ringers of Nadiga.⁷¹

The Babu Sarsaj was also making efforts at about the same time for the spread of widow remarriage ; the cause was taken up earnestly by Keshav Chandra Sen since 1889, and the first remarriage under the auspices of this Sarsaj took place in the year 1894.⁷² Baba Swigada Banerji of Barrage⁷³ soon came forward as a prominent worker in the field, and his labours produced striking results.⁷⁴ Besides helping particular widows, Baba Swigada kept up, for many years, an agitation in the country in favour of the cause of widow-marriage through the distribution of pamphlets and leaflets and writing articles in the periodicals.⁷⁵ He established in 1897 the Hindu Widows' Home which did excellent work in educating widows so long as it lasted.⁷⁶

⁷⁰ Bharat, Op. cit., p. 77.

⁷¹ Ibid., Chandrasekhar, Op. cit., pp. 363-44. It is very interesting to note that the Widow Remarriage Act was one of the causes of the library, in Bengal the Act was sought for and welcomed; in the backward up-country it may have been doubted. But public opinion there was hardly then in touch with the progress in Bengal, and the Act would be scarcely understood there.

⁷² Bharat, Op. cit., p. 78.

⁷³ Father of Dr. D. A. B. Banerjee, I.C.S., a prominent citizen of Barrage.

⁷⁴ Ibid., pp. 78-81. The first widow marriage due to his prowess was that of the name Kanchanadevi on 2nd November, 1892.

⁷⁵ Ibid., p. 47.

⁷⁶ Ibid., pp. 11-17. Honorable W. B. Conner wrote of the Home in 1897 : "It is the Widows' Home in (Mr. Banerji) a solving one of the great social problems of India."

The Widow Remarriage Movement had advocates in other provinces of India as well. The attention of the Maratha Brahmins was first drawn to this subject through a pamphlet published in 1887 at Bombay, that was followed by another 'book' which was not printed, and the Rev. Baba Padmanji wrote two works on remarriage entitled 'Kutumbbadhikara' and 'Yavasangopayasa'. But it was Pandit Vishnu Shastri who came forward as the effective champion of the cause in the Maratha country, and a Widow Marriage Association was started at Bombay in the year 1896. Many educated citizens styling themselves as its members⁷. In opposition to this association, the orthodox party set up another called the Hindu Dharma Vyavasayapaka Mandal, but the party of the reformers under the guidance of Pandit Vishnu Shastri and assisted by M. G. Ranade obtained victory for their cause, and from 1897 onwards widow marriage began to take place in Maharashtra. In Gujarat also a Remarriage Association was started at Ahmedabad, and since 1894 the subject acquired fresh importance through the writings of Mr. Malalgadi. Men like Sir R. G. Bhanderlal, G. C. Agarkar and D. K. Karve have also done much for the amendment of the widow's law and condition. Having become a widow, Mr. Karve remained a Brahman widow in 1899 and founded the Widow Marriage Association of which he remained the Secretary for seven years till 1906. In 1909 he opened a Hindu Widows' Home in Poona City which formed the nucleus for a woman's university.⁸ The movement for the general uplift of Hindu widows has made steady progress. Maharaja Sir Jatindra Mohan Tagore Bahadur was amongst the earliest benefactors to make a generous endowment (1 lakh) for helping Hindu widows,⁹ and amongst local governments Bengal and Madras showed the way by providing grants and scholar-

⁷ *Vidusha Samrat* (Poona).

⁸ *Gazetteer* (Poona), p. 34.

⁹ *Bengal Under the Lieutenant-Governor*, Vol. II, p. 199.

ships to encourage the education and training of widows;¹¹ Pandita Ramabai's¹² Savitri Sadan (1889–1899) at Bombay, the Mahavirji's School at Mysore, the Poona Savitri and the Party Society in the Punjab and the Hindu Widow Reform League of Lucknow,¹³ have done excellent work in this direction.

There has been a steady growth of education among women in modern times;¹⁴ they are coming more and more out of seclusion, and are displaying growing interest in social and political matters.¹⁵ The All-India Women's Conference, which met for the first time in 1926, is being utilized by women for expressing their opinions about educational and social reforms and for coordinating their attempts to effect them.¹⁶

Increasing interest is being taken in the medical training of women. The days when ladies of the Brahmo Samaj, like Mrs. Gopalkrishna and Miss Baru, had to suffer adverse criticism for going in for medical training are long over. As has been already noted, the Poona Savitri Sadan is carrying on a great work at many centres with special reference to the training of nurses and midwives, the promotion of maternity and infant welfare, and the finding of employment for widows.¹⁷ Congress ladies like the wives of several Vice-chancellors following the lead of the Captain of Duffield have started and helped important institutions. The Lady Duffield Fund or more properly the "National Association for Supplying Medical Aid by Women to the Women of India," has for its object "the training of women as doctors, hospital assistants, nurses and midwives, as well as the provision of dispensaries, wards and hospitals."¹⁸

¹¹ *Savitrik.* Op. cit., p. 11.

¹² Savitri Savitrik (1889–1899), a Protestant Convent from Hindooon and a good Sanskrit Scholar.

¹³ India in 1926–27, p. 28.

¹⁴ *Poole Register*, op. 1, Education.

¹⁵ *Political India, 1926–27*, edited by Dr. John Cattoe, pp. 14–48.

¹⁶ India in 1926–27, pp. 342–43.

¹⁷ Report of the Indian Statistics Committee, Vol. I, p. 38.

¹⁸ India in 1926–27, p. 400.

As a result of this organisation a special Women's Medical Service was constituted in 1914. The Lady Hardinge Medical College at Delhi trains Indian women for the degree of M.B., B.S. Some official organisations like the Victoria Memorial Scholarship Fund and the Lady Cheltenham League as well as the Indian Red Cross Society, a purely voluntary organisation have also done useful work in this direction; the two former organisations were amalgamated with the Special Maternity and Child Welfare Bureau of the Indian Red Cross Society on the 1st of January, 1931. At Calcutta the recently started Hospital called Chittaranjan Sansad has shown what Indian ladies can do for Indian women when they have received upto-date medical education in India and abroad.

The Women Suffrage Movement has achieved much success since the All India Women's Deputation waited upon Mr. Montagu in Madras and presented an address to him on 16th December, 1917. The next two decades have seen the steady entry of women into the political field, and in the various councils and corporations women members are now taking prominent parts. The Government of India Act, 1935, has allotted them seats in the Central as well as provincial legislatures and their franchise qualifications have been liberalised. In the London parleys about the new constitution women delegates took their part, and even bodies like the Modern League have now chosen party leaders. The example shown by Savitribai Devi of Calcutta and a few other ladies in the eighties in taking part in the Indian National Congress has borne fruit, and the Congress has had many prominent women leaders and workers.

The spirit of reformation has awakened the public conscience in India to the necessity of elevating the Depressed Classes comprising about 20 per cent of the whole population of India. While all the Hindus, the Hindooless Mission and the Christian Societies have done much valuable work for the uplift of the depressed classes, the Azaad Shanti has been strikingly active in raising the social status of the 'untouchables'

and in the work of "Saddiq" or re-thinking individuals and castes that had been oppressed by other religions. The Islam or Christianity, or Hinduizing non-Hindus.¹¹ Lentil services have also been rendered by the Depressed Classes Mission Society of India founded in 1926 in Bombay with the object of elevating "the social as well as the spiritual condition of the depressed classes, viz., the Mahars, Chambhars, Pariahs, Nagasundras, Dhobis, and all other classes treated as untouchable in India, by (1) promoting education, (2) providing work, (3) remedying their social disabilities, (4) preaching to them principles of Liberal Religion, personal character and good citizenship."¹² The Hindu Mahasabha at its seventh annual session held at Bangalore in August 1933 passed a resolution for "admitting untouchables to ordinary Hindu parades." Gandhiji has in recent years devoted himself mainly to the work of removing untouchability and improving the lot of the "Mazungs" as he calls the depressed classes. "The philanthropic work which is now gradually being undertaken by voluntary agency for the uplift of the depressed classes, is being reinforced by organised self-assertion on the part of these classes themselves.... They are beginning to cast their eyes beyond the immediate surroundings of their daily toil," and

¹¹ Sadiki is not a new term in India. Recently Dr Colvin Rammohun Palmesey and others (1934) Prof Sir Jam. Sora, M.A., of Lahore has passed with distinction from the study of several sources that "from India to Muslim, from Greek to Kristen, from Brahman to Thana, everywhere in those extensive areas of conversion and counterconversion areas of Islam have rung all through the day and night of Muslim rule in India. Muslims are only welcomed their homes back to their old Dham Islam but were prepared to admit Muslims into their fold and did admit them as a matter of fact." Below the advent of Muslims, the system of Sadiki was applied by the central Government of the Early Middle Ages to the Hindus and Christians living foreign countries and resident in Ctesiphon, Basra, and Jarrow throughout, and thus arose the purified "Agnihotri" and other Puroga class. In fact it was through Sadiki that various external elements have been absorbed in India as far as the 2nd century B.C., if not earlier from the 5th, or from prehistoric ages.

¹² *Encyclopædia Modern Religious Movements in India*, pp. 242-251.

reinforcement is replacing the antiquated system of castes."¹⁰ The Government also has been making systematic efforts for the spread of instruction and education among them by creating special scholarships allowances and other educational requirements, by making special provisions for appointment of members of their community in the services, and dealing favourably with the question of their special representation in the legislatures and public bodies (which question has produced many a hitch between them and the "caste Hindus" and has added to the list of communal tensions in India).

It may be mentioned here that the rigours of the caste system have declined considerably in the last half century interdining and intermarriages have often taken place and been encouraged in different parts of the country, and adjournments to foreign lands have long ceased to be punished by social ostracism. Civil Marriage petitions, supplementary to the Act of 1872, have in recent years made intercaste and intercommunal marriages easier in the country.

The evils of slavery and infanticide have also been removed. It is known from various sources that a pitiable type of slavery was in the 18th century a long-standing institution in the country. Sir William Jones recorded to a Calcutta jay in 1785—¹¹ Hardly a man or woman exists in a corner of this populous town who hath not at least one slave child either purchased at a trifling price or saved for a life that seldom fails of being miserable. Many of you, I presume, have seen large boats filled with such children coasting down the river for open sale at Calcutta. Nor can you be ignorant that most of them were stolen from their parents or bought for perhaps a measure of rice or two of sugar-candy.¹² But the spirit of reform did not leave the soil unscathed. In 1807 the British Parliament abolished slave trade; in 1861 the East India Company's Government forbade the importation of slaves from any other

¹⁰ India in 1921-22.

¹¹ O'Malley, *History of Bengal, Bihar and Orissa*, p. 289.

country into India, and in 1832 "the purchase and sale of slaves brought from one district to another was made a penal offence." By the Charter Act of 1833 the Governor-General was required to take steps for the abolition of slavery — "as soon as emancipation should be safe and practicable." By Act V of 1843 slavery in India was rendered illegal; and maintenance of or trade in slaves became a criminal offence under the Indian Penal Code of 1860.¹⁰ But slavery has existed to our own days in places like Caplon and North-Eastern Frontier of Burma, to abolish which the Government of India has conducted several anti-slavery operations.¹¹ The evil of kidnapping in different parts of Western and Central India was also removed through the activities of Lord William Bentick and other British officers such as Wilkinsen, Wilbraham, Erskine, Jacob, Pottenger and McRillie.¹²

SECTION III

EDUCATION : LITERATURE AND ART

The education that man receives always exercises a potent influence in moulding the course of history of a country. The Indian Reformation of the nineteenth century, as we have already noted, has been intimately connected with the changes in educational ideas and institutions, the history of which may now be briefly sketched.

It is clear from a study of facts preserved in such like Beddoe's Journals, Bishop Heber's Journals, Adams' Report and Correspondence, etc., in vernacular literature and periodicals of the early nineteenth century and in accounts of the

¹⁰ Cambridge History, Vol. VI, p. 128.

¹¹ India in 1880, pp. 26-27. Slavery has been abolished very recently in Bengal by a law act of the last ruler. Until recently, the 'Bharat Mela' or kidnapped girls brought down the slaves by slave trading boats to be sold in marriage at low to high caste families with a tribute of Bengal Slavery in the different districts.

¹² Cambridge History, Vol. VI, p. 121.

early missionaries like Ward's *History of the Hindus*, that the whole country was covered with institutions for primary and higher education when the English were trying to build up their political dominion in India during the second half of the eighteenth and the early nineteenth century.⁴¹ "The English based in India," writes F. W. Thomas, "a widespread system of elementary and higher education, of which the former was mainly practical, the latter mostly literary, philosophical and religious."⁴² Sir Thomas Munro, as Governor of Madras, seems to know by experience in 1821, by which time the earlier tradition of native education was almost dead, that in a total projected population of 10,000,000, there were actually 184,170 students (i.e., 1½ per cent of total and probably about 10 per cent of the population of school-going age) attending schools besides those who received instruction at home.⁴³

During the early period of its administration in India, at least till 1813, the East India Company⁴⁴ did not recognise the assumption of education among the natives of India as part of its duty or *duty*.⁴⁵ "The rulers," remarks Meeson-Williams,⁴⁶ "feared the evil consequences of education for the ruled, and the ruled anticipated no good results from it." But while this was generally true, there were, even during this period, three forces that were working for the cause of a New Education in India:—(i) the efforts of some of the civil officers of the East India Company, (ii) the activities of the

⁴¹ For indigenous education in Bengal and an article by Dutt in *Calcutta Review*, 1844. In an account of it in the Panjab, see Lomax's *Review*, 1822.

⁴² *History and Prospects of British Education in India* (London, 1811), p. 108.

⁴³ *Ibid.*, pp. 1-2. It is noteworthy that a number of methods in elementary instruction developed in Europe in the early and late sixteenth century, especially those associated with the names of Gallo and Lanzenius and Montaigne, were introduced in one or more Indian primary schools as late as the early nineteenth century.

⁴⁴ Syed Mohamed, *A History of English Education in India*, p. 2.

⁴⁵ *Modern India and the Indians*, p. 28.

⁴⁶ 14.

miseries and (b) the attempts of some benevolent and public-spirited Indians. Among the early efforts of English officials for the cause of education in India we may mention here that Warren Hastings founded in 1781 the Calcutta Madrasah¹⁰³ to fit Indians for "the numerous offices of the British Government,"¹⁰⁴ and in 1791 Jonathan Duncan, Resident at Benares, opened in that holy city a Sanscrit College "designed to cultivate the laws, literature, and religion of the Hindus, and generally to supply qualified Hindu servants to European Judges." In 1801 Sir William Jones of the Calcutta Supreme Court established, with the help of Warren Hastings, the Bengal Asiatic Society, which has, through its literary collections and publications, played an important part in the cultural history of Modern India, and of the Modern World as well by making Ancient Indian thought available to Europe, and European scientific scholarship to India. Sir Charles Green, who served in the commercial branch of the Company in Bengal from 1773–1790 and subsequently became a director of the Company, presented to the Council of Directors in 1792 a treatise written in 1790, in which he advocated the introduction of English education among the Indians.¹⁰⁵

Above the working of the other forces it should also be carefully noted in this connection that the missionaries in India especially the Baptist missionaries like Gauci and his co-advisor, Thomas Marshman and Ward, from their safe refuge

¹⁰³ For details, reference may be made to Bengal Past and Present (Monyarjee, 1916).

¹⁰⁴ See, *Relations from Bengal*, Vol. I, p. 8.

¹⁰⁵ It should not be overlooked that the comparatively late introduction of an English system of education due to the paucity of English speakers and Western influences amongst Indians in the eighteenth century, however, a rough of Hindu origin, was well versed in English and as such found high employment in E. I. C. and native India, prove and he went to England in 1797 on an enquiry of Shah Alum to the English court and the date of subsequent return of his European experience. There were many others like him, who acquired European education and experience, over whom the Portuguese ruled in India (see, *European History of Bengal Education*, Vol. I (Introduction)).

at Serampore a Danish settlement sixteen miles north of Calcutta made strong endeavours for the conversion and education of the natives in spite of the Decree of the Council of Directors, dated 7th December, 1800, "declaring their policy of strict neutrality in all native religions, and in spite of the concepts thrown on their efforts at home."¹²⁰ They started there a paper manuscript and a printing press, from which they brought out translations of the Bible in twenty-two vernaculars including Bengali, Marathi and Tamil. In 1801 Coker was appointed a Professor of Bengali in the newly-established institution in Calcutta for the training of young civil servants of the Company called the College of Fort William. Another pioneer in education was David Hare, who spared no personal trouble, money or influence "for the cause of education in Bengal." The Bahadur College, an important missionary institution, was founded in Calcutta in 1829. Among the philanthropic Indians working for the cause of education in India during that time were Raja Rammohan Roy, Raja Radhakanta Deb, Maharanee Taksarandev Rani Bahadur of Bardhaman,¹²¹ and Jayaram Chaudhuri who established a school at Dacca for the teaching of English, Persian, Hindi and Bengali.¹²² The exertions of Raja Rammohan, Mr. David Hare and Sir Hyde East do than Chaudhury of the Supreme Court, led to the establishment in 1836 of the Hindu Mahavidyalaya or Hindu College of Calcutta, which later on developed into the Presidency College of Calcutta.¹²³ It is clear from the letter which Sir Hyde East addressed on 19th May, 1816, to his friend Mr. J. Herapont, a brother judge then absent in England,¹²⁴ that

¹²⁰ B. H. Fraser's *A Literary History of India*, p. 259.

¹²¹ B. H. Fraser, *Op. cit.*, Part I, p. 25.

¹²² *Ibid.*, p. 22; Fraser, *Op. cit.*, p. 254.

¹²³ It is interesting to compare the Hindu Mahavidyalaya of early nineteenth century and the Hindu Vidyashalas of the early twentieth century, at Bengal, Orissa, Mysore and Bengal.

¹²⁴ This document has been annotated by Mr. B. H. Fraser, and has been published in the *Journal of Bihar and Orissa Research Society*, June 1930.

Rammohun played a "leading part in founding the Hindu College." The leading Hindus of Calcutta disliked his association with it, as he was regarded by them as a heretic and more of a Brahmin than a Hindu. Rammohun, therefore, very wisely withdrew from the movement, lest the objects of the institution should be frustrated in consequence of his name appearing on the Committee of Management.¹⁰⁴ About the same time (1816-17 A.D.) Rammohun established an English school at Serampore in Calcutta for the free instruction of Hindu boys,¹⁰⁵ and he continued to pursue modern as well as classical education in a number of ways.

In England, Canning and Wilberforce were urging the necessity of introducing English education in India, and in India Lord Hastings with his colleague, T. Lawrence, G. Heriot and the famous orientalist H. T. Colebrooke, issued a minute on the subject of education on the 6th of March, 1811, deplored the " lamentable decay of learning " in the country and suggesting means for its improvement.¹⁰⁶ Two years later, at the time of the renewal of the East India Company's Charter, a clause was inserted in the East India Company Act of 1813 which is famous "as containing the first legislative admission of the right of education in India to participate in the public revenues."¹⁰⁷ As it authorised the Governor-General in Council "to direct the application to education of an annual sum not less than one lakh of rupees." Lord Hastings in his Minutes of 1819 recognised the pressing need for education, before his retirement in 1823 the Government distributed grants to two educational societies, the Calcutta School Book Society and the Calcutta School Society¹⁰⁸ and a Committee of Public Instruction

¹⁰⁴ Ibid., p. 166. It is difficult to parallel this act of self-sacrifice in national service in the long history of Indian social and political history.

¹⁰⁵ Ibid., pp. 162-63; Rammohun Roy's Correspondence, Vol. I, pp. 44-5.

¹⁰⁶ Sir George Canning, Op. cit., pp. 17-22. Long, however, has the unpublished Remarks of the Government.

¹⁰⁷ Sir George Canning, Op. cit., Part I, p. 28.

¹⁰⁸ Cambridge History, Vol. VI, p. 364. For details, see Bengal Past and Present, 1914.

ton was appointed by Adam, Hastings' temporary successor from among the civil service, with Harriet Heyman Wilson, the famous Orientalist, as secretary, to superintend the expenditure of the sum granted in 1821.

But a new difficulty arose regarding the medium of instruction (vernacular or English) and the type of education (classical oriental or modern western in content). Rammesha advocated English education and protested against "the introduction of the curtailed Sanskrit system of education," in his letter to Lord Amherst, dated 11th December, 1823.¹¹³ Rammesha's protest bore no immediate fruit; the Committee opened a Sanskrit College in Calcutta in 1824, and another College at Dacca in 1827 "for instruction in the three classical languages of India." For several years a fierce controversy continued between the 'Orientalists' and the 'Anglicists.' Lord Macaulay, who had been appointed Law Member of the Council of the Governor-General of India, arrived in India on 8th June, 1834, and was appointed President of the Committee of Public Instruction. He issued his well-known Minutes of 2nd February, 1835,¹¹⁴ in which "he adopted and defended the views of the English series in the Committee,"¹¹⁵ and vehemently denounced Oriental literature of which he knew nothing. He favoured introduction of the Western system and subjects of education from a point of view very different from that of the wise Rammesha. While Lord Macaulay's champion-ship of English education has been of profound significance in the intellectual history of Modern India, the vast dissemination of Eastern Literature, culture and knowledge has produced undesirable results. Mr. J. Rooney MacDonald aptly remarks that "to read Lord Macaulay's confined thinking in vain and dashing English is enlightening; to study it is melan-

¹¹³ Journal of Bihar and Orissa Research Society, Dec. 1938, pp. 161-70. Syed Mohamed Ali, op. cit., pp. 282ff.

¹¹⁴ Sharp, Op. cit., Part I, Chapter VI.

¹¹⁵ The Indian Rule of Bombay (1835), p. 226.

class. It named up subjects to be taught with the language in which they ought to be taught, and it displayed no appreciation of the fact that the Indian mind was a product of history and not a blank sheet of paper upon which anything could be written by any teacher."¹¹⁴ Lord William Bentinck had already in the month of January 1829 appointed William Adam, the well-known ex-monksey, to make enquires into the state of indigenous education in Bengal, but after the way of Macaulay's Mission he and his Council expressed "entire concurrence with Macaulay's views and passed the famous Resolution of 26 March, 1835, which declared that "the great object of the British Government ought to be the promotion of European literature and science amongst the natives of India," that "all the funds appropriated for the purposes of education would be best employed on English education alone," and that "for the future all funds set apart for education should be devoted to that purpose, and no portion of them be expended on the printing of Oriental works."¹¹⁵

Lord Auckland modified to some extent Lord William Bentinck's resolution¹¹⁶ and a grant of 500 rupees a month was sanctioned to the Asiatic Society of Bengal with which it carried on the valuable *Bibliotheca Indica* series of Sanskrit, Pali, and Persian texts.¹¹⁷

In 1842 a Council of Education superseded the Committee of Public Instruction, but its activities were limited to Bengal. James Thomason, Lieutenant-Governor of the North-West Provinces from 1840 to 1853, started a new experiment in the field of education by forming a haligrahan (block) school system "whereby villages were grouped in circles of five, the land-holders of each group undertaking to pay for a school by a voluntary sum of 1 per cent on the land revenue. The

¹¹⁴ *The Government of India*, p. 103.

¹¹⁵ See *India's role in India* dated 26th November 1835 printed in *Stat. Of. of. Part I*, pp. 182-183.

¹¹⁶ *Cambridge History Vol. VI*, p. 114.

system was in 1852-3 introduced into eight districts and was afterwards extended to other districts even under bad revenue assessment. The scheme, as mentioned by the Committee, involved the levy of a tax of 1 per cent on the rent, which was deducted before the revenue was calculated, so that payment was shared by the government and the landholder.¹¹² Some efforts were made by the Government also in Bombay and Madras, but "uniformity and consistency of use were lacking in the educational policies of the various provincial governments."¹¹³ The most important Government institutions at that time were the Medical College started in Calcutta in 1835, the Thamason Engineering College at Roorkee in the North-Western Provinces and an institution in Madras bearing in 1853 the title of the 'Madras University High School'. The years following 1853 were as far as education was concerned "years of varying opinion, uneven direction, and scanty expenditure."¹¹⁴

The educational despatch of 19th July, 1854, drafted by Sir Charles Wood, President of the Board of Control, and forwarded to India through the Court of Directors, form a landmark in the history of education in Modern India by supplying the base for the present system. It recommended to the special attention of the Government of India "the improvement and the wider extension of education, both English and vernacular," and prescribed "as the means for the attainment of these objects—(1) the constitution of a separate department of the administration for education, (2) the institution of Universities at the Presidency towns, (3) the establishment of institutions for training teachers for all classes of schools, (4) the maintenance of the existing Government Colleges and High Schools, and the increase of their number where necessary, (5) the establishment of new Middle Schools, (6) increased attention to Vernacular Schools indigenous or other for direct

¹¹² Ibid., p. 19.

¹¹³ Ibid., p. 197.

¹¹⁴ Ibid., p. 199.

ter education. (i) the introduction of a system of grants-in-aid on the principle of perfect religious neutrality, (ii) a comprehensive system of scholarships to be instituted, so as to connect Lower Schools with Higher, and Higher Schools with Colleges and (iii) female education which was to receive the fresh and cordial support of Government."¹²³

In pursuance of the despatch of 1854 Educational Departments were established in each of the Presidencies and before the end of 1856 the new system was fully in work.¹²⁴ A Director of Public Instruction was appointed for each province with a staff of Inspector and Assistant or Deputy Inspectors under him. Prof. Dodwell has noted the "officialised" character of the new Educational Department that created and has pointed out that the men in charge of these departments being "primarily administration" education "tended to become a matter of administration and routine."¹²⁵

It was during the dark days of the Mutiny, in the year 1857, that Universities were significantly founded in Calcutta, Madras and Bombay, on the model of the newly developed University of London, that is, as examining bodies and not as teaching and research institutions; subsequently one University was established for the Punjab at Lahore in 1852 and one for the North-West Province (modern U.P.) at Allahabad in 1867. These Universities had a Chancellor, a Vice-Chancellor and a Senate with a governing body, and controlled by them examination the courses of study in the colleges affiliated to them. The candidates were admitted into colleges after they had passed their Entrance examinations. Colleges and Schools rapidly multiplied, and by 1882 more than two and a quarter million people received instruction in public institutions.

¹²³ Syed Mohamed, *Op. cit.*, p. 10, and also Report of the Indian Education Commission (1882), pp. 22-23, and *Calcutta Review*, 1882, pp. 411-12.

¹²⁴ Report of the Indian Education Commission (1882), p. 23.

¹²⁵ *A Sketch of the History of India*, p. 202.

In February 1882 Lord Ripon's Government appointed an Education Commission consisting of twenty-two members (English and Indian) with Sir W. W. Hunter as President, and the Commissioners were charged with the duty of enquiring into "the manner in which effect had been given to the principles of the despatch of 1854, and of reporting such measures as might seem desirable in order to further carrying out of the policy therein laid down."¹¹¹ The chief object of enquiry was to be the "present state of elementary education and the means by which this can everywhere be extended and improved." The Commission collected valuable information on the subject of Indian education and made useful recommendations advancing educational efforts upon private enterprise and co-operation. With the growth of Local Self-Government after 1882, the Municipalities and the Local Boards have been entrusted with powers for managing schools. Between 1883 and 1901 the numbers of college students throughout India were up from 11,561 to 23,099 and those in secondary schools from 49,999 to 633,738, and expenditure on education rose from 132.52 lac*s* of rupees in 1883 to 177.94 lac*s* in 1901.

Lord Curzon's viscosity witnessed an important change in the sphere of education as in other spheres of administration. Possessed of great energy and considerable insight into the details of administration, Lord Curzon realized the importance of reorganizing and of effectively controlling the educational institutions of the country. After a preliminary enquiry the Vicerey summoned in September 1901 a conference at Simla, consisting of the principal education officers of the country "to consider the system of education in India." In January 1902 he appointed a University Committee "to enquire into the conditions and prospects of the Indian Universities, to report upon proposals which might improve their constitution and working, and to recommend such measures as might tend to arrest the standard of University teaching and

¹¹¹ Quoted in Syed Mohamed, *Op. cit.*, p. 16.

to promote the advancement of learning."¹²³ The Committee was presided over by Mr. (afterwards Sir) Thomas Raleigh, legal member of the Viceroy's Executive Council, and included Mr. Syed Hussain Alijiwala, a distinguished Muhammadan who was Director of Public Instruction in the Nizam's dominions and Mr. (afterwards Sir) Gorakha Banerjee, a judge of the Calcutta High Court. In June 1912 it presented its report and upon its recommendation was passed the Universities Act of 1914. "As was to be expected under a Viceroy who was a great expert with an overwhelming faith in the efficiency of Government machinery, the chief purpose of the Act of 1914 was to tighten the hold of the Government on the Universities, and in the first place on their Senates, which were still retained as the ruling bodies by reducing their total numbers whilst increasing to an overwhelming majority the proportion of those nominated by the Chancellor and giving ex-officio seats on them to Provincial Directors of Public Instruction. In the Syndicates, which were the executive bodies, provision, at first sight defective, was made for a large number of college teachers, but none was eligible who was not already a member of the Senate. Increased powers of supervision over existing colleges and the imposition of more stringent conditions for the affiliation of new ones, were steps in the right direction, but they came too late and made no attempt to deal with the finger-growths which, in so many schools, were rotting the foundations on which a sound college education could be built up. New Faculties were created to deal with the university curricula and with the methods of university examinations, but these were also to be mere emanations from the Senate. Practically nothing was left for the Chancellor to do without the approval of Government."¹²⁴ Protests from different quarters were raised against such a comprehensive scheme of centralisation.¹²⁵ But the Act was not

¹²³ See Lower House, India Under Curzon and After, p. 100.

¹²⁴ Chaudhuri, India, p. 241.

¹²⁵ Ibid.

entirely based on good results. Though Sir Ashutosh Mukherjee, the greatest Vice-Chancellor of the Calcutta University and one of the nobler sons of Bengal, opposed it vigorously, he took advantage of it to create the present teaching branch of the University of Calcutta functioning from 1909.

In 1910 control of education was transferred from the Home Department of the Government of India to the newly created Department of Education with an Office of its own, and Resolution dated 21st February, 1910, of Sir Harcourt Butler, a Member to represent it in the Executive Council, the first education member of the Governor-General's Council, laid down certain lines for advance and recommended the establishment of teaching and research Universities. The Deccan and Patai University Commissions were accordingly appointed, but their reports were not acted upon or entirely derelict from owing to the war and other causes. The growth of local and communal patriotism has in the last two decades led to the establishment of Universities at different centres, viz., Poona, Lucknow, Rangoon, Deccan, Delhi, Nagpur, Wilmar (Visagapatam), Chittagong, Banaras, Alipore, Hyderabad. We have already referred to the Indian Women's University at Poona, the Visvabharati (the 'World and India' University) of Dr. R. N. Tagore at Shantiniketan, Bolpur, a centre for its metropolitan cultural outlook. Lord Chelmsford (1916-21) appointed the Calcutta University Commission for enquiring into working and needs of that university with Dr. J. Ferwerda (Sir) Michael Seeler as President, though Sir Ashutosh Mukherjee was the moving spirit. The report of the Commission was published in August 1919, and in the following January the Government of India passed a Resolution drawing special attention to the following points—(1) "High Schools fail to give that breadth of training which the developments of the country and new avenues of employment demand, (2) the Intermediate Section of University education should be recognised as part of School education and should be separated from the University organisation, (3) the defects of the present system of

affiliated colleges may be mitigated by the establishment of a strong central teaching body, the incorporation of various universities (as occasion arises), a modification of the administrative machinery which will admit of fuller representation of local interests, and supervision of different classes of institutions by several appropriately constituted bodies." The recommendations of the Committee have been given effect to in some of the provinces in harmony with local conditions,¹²³ but the Calcutta University itself has remained unaffected and has thus derived no benefit from the labours of the Committee. In May 1924, the Government of India summoned a University Conference at Simla where representatives from all the Indian Universities were invited. The most important resolution of the Conference was one relating to the establishment of an Inter-University Board for India, which has now been functioning for some years, rather weakly; its only important contribution so far (1934) is the introduction and discussion of the idea of "Federal" Universities which might avoid wrangle and concentrate university working.

Since the Reforms, Education has become a rendered subject in each province under the responsibility of a Minister. The latest census of the state of education in India was made by an Auxiliary Committee of the Indian Statistical Commission in 1927. This Committee was presided over by Sir Philip Harvey and included other prominent educationists, British and Indian. In the opinion of the Harvey Committee, "so far as more quantitative increase in the number under instruction is concerned, there has been a phenomenal advance since the inception of the Reforms. In 1911 the total school-going population of British India attending primary classes numbered 6,024,206. In 1921 it had risen to 6,897,147 and the latest figure available is 9,247,517 for the year 1932."¹²⁴ but there have been in its opinion much of "stagnation" and "wastage" and the whole system needs "reorganization". In short, education has spread

but deteriorated, more money is spent on it but less thought, so that while some political advantage has been gained academic advance and material profit have not been up to the expectations raised by the formation of educational institutions.

Female education in modern India has been an interesting and important topic. Education of women was a characteristic feature of ancient India, and even in medieval India it was not unknown. In spite of the political changes and disorders of several centuries, the tradition survived in the early part of the nineteenth century.¹²² Instances were many of women educating themselves out of religious considerations.¹²³ Female教育者 were also not entirely absent. Mr. William Adam (in 1830-31) who had been commissioned by Lord Wellesley Bentick to survey the state of indigenous education in Bengal, writes in his second report on Vernacular Education in Bengal that the zamindars in general believed "that daughters are the elements of knowledge, although it is difficult to obtain from them an admission of this fact. They hope to marry their daughters into families of wealth and property and they perceive that without a knowledge of writing and accounts their daughters will not in the event of widowhood be competent to manage their deceased husbands' estates, and will unavoidably become a prey to the interested and unprincipled."¹²⁴ We have it on the authority of Raja Radhakanta Deb of Calcutta that most of the female members of his family were educated.¹²⁵ But the subject of female education received a new impetus from the spirit of renaissance which characterized the nineteenth century, and we find that long before the Government paid any attention to this subject, a few enterprising visionaries and some philanthropic individuals like Raja Radhakanta Deb,

¹²² J. N. Banerjee, Op. cit. Part I, pp. 2-4.

¹²³ Sircar, Op. cit. pp. 38-39.

¹²⁴ Referred to as Prof. Basu's essay on 'Female Education,' the authorship of which is wrongly ascribed to Prof. Radhakanta Deb. It was composed and published by Gaurishankar Vidyalayika of the Calcutta School Society in 1922. *Santidevji Laljibai Katha*, Part III, p. 222.

Raja Bodhendu Ray of Calcutta and others took it up. We cannot enter here into the details of all these early enterprises,¹¹³ but mention may be made of the very notable attempts for the spread of female education in Calcutta and the surrounding districts since 1821 by Miss Coke (afterwards Mrs. Wilson). Missionary efforts however could not influence the members of the higher classes who often suspected them, and pupils were thus recruited mostly from the lower ranks of the society. Their efforts were attended with partial success in other parts of India as well, notably in the Bombay and Madras Presidencies.

These early endeavours received no encouragement from the Government and it was so late as in May, 1849, that the first school for the education of the girls of high class Hindu families was established in Calcutta under the name of the Hindu Girls' Vidyalaya through the efforts of Mr. Dakshinamurthy Bhattacharya, Law Member of the Governor-General's Council, and of Pandit Krishnachandra Vidyasagar. The Hon'ble Justice Sankaranarayana Fonda (the first Indian Judge of the High Court of Judicature at Fort William), Babu Ram Gopal Chatterjee (a leading merchant of the time and the first Indian public man to make his orations in English of literary merit), and Pandit Narendranath Tagore (a well-known Bengali writer of that time) were the chief supporters of the school. The Governor-General, Lord Dalhousie, also recorded in his report dated 14 April, 1850, that Mr. Bhattacharya for doing "a great work in the successful introduction of Native Female Education in India" has "earned a right not only to the gratitude of the Government but to its thanks and cordial support."¹¹⁴ He also made grants of money for "aiding existing girls' schools."¹¹⁵

¹¹³ Reference may be made to Sircar, Op. cit., pp. 21-42; *Missionaries, Modern India and the Indians* (Third Edition, London, 1879, pp. 322-34); R. N. Banerjee, Op. cit. Part I, pp. 5-12; *Many Initiatives from Educational Records*, Part II, pp. 31-32.

¹¹⁴ Ibid., p. 36.

¹¹⁵ *Missionaries, Modern India and the Indians*, p. 323.

But Sir Charles Wood's Despatch of 1854,—though it contained only one paragraph out of one hundred to the subject of female education. Paragraph 59 of it runs thus:—"The importance of female education in India cannot be overstated, and we have observed with pleasure the evidence which is now afforded of an increased desire on the part of many of the natives of India to give a good education to their daughters. By this means a far greater proportional impulse is imparted to the educational and moral tone of the people than by the education of men. We have already observed that schools for females are included among those to which grants-in-aid may be given, and we cannot refrain from expressing our cordial sympathy with the efforts which are being made in that direction." But soon after the Mutiny, Lord Canning's Government, anxious to avoid giving any impression of trying to revolutionise Indian Society, declared that girls' schools should be really supported by voluntary aid.¹²⁵ In 1862 a circular was issued to the effect that the Government could take no initiative in the case of girls' schools as it had done in the case of schools for boys, but could encourage the then existing schools by grants-in-aid. Nevertheless some action was taken. In 1870 out of £316,909 expended on education in the Bengal Presidency, £1,173 was given to Government girls' schools and £4,462 to aided girls' schools chiefly in the North-West and the Punjab; out of £193,152 spent in Bombay £14,000 was assigned to Government female schools; in Madras the Government did not maintain a single girls' school.¹²⁶ In 1875 there were about 1,000 Government female schools, with about 34,000 pupils, in all the eight provinces under Government, Lieutenant-Governors and Commissioners.¹²⁷

It was with the revival of Liberalism in the time of Ripon that the Education Committee of 1882 advised that "female

¹²⁵ Master-Wilkins, *Op. cit.*, p. 25.

¹²⁶ *Ibid.* pp. 32-3.

¹²⁷ *Ibid.*

education should receive special encouragement and be treated with special liberality.¹²⁷ Government grants thereafter began to be more freely used and Government management more freely resorted to than before, and this led to a substantial growth of female education in the succeeding decades.

Besides missionary and state efforts, the activities of the various reformed social groups and other associations such as the Brahmo Samaj, the Arya Samaj, or the Society of India, have considerably furthered the cause of women's education. Every important branch of the Arya Samaj has a girls' school under its control. In the Brahmo Samaj, Mrs. Dhanrao Keshav Chandra Sen and Swaspada Banerjee,¹²⁸ and women like Lady J. C. Bose and Mrs. F. K. Ray have rendered conspicuous services to this cause. Some members of the Samaj have also from time to time started grants for the promotion of education and culture amongst women such as (a) the Samabodhini, started in 1863 and edited by the late Umashankar Das, (b) the Atmabodhini, started about 1870 by the late Dwarkanath Ganguli, (c) the Mitali edited by the late Chittabhanu Sen, (d) the Avishkar started by Swaspada Banerjee, (e) the Bharati, started by Rabindranath Tagore and long edited by his accomplished sister, the novelist Sarojini Nandan Devi Ghosh and her talented daughter. (f) the Bhawanikali, (g) the Saptashati, started by two graduate ladies, Behnirami Karmakar and Basanti Mitra. Dr. Kali Ganguli of the same Samaj, the first Indian lady to become a professorial physician on western lines, was also, jointly with Miss Chanchaladevi Sena in Bengal Christian, later on well-known as for long the Principal of the Bahadur College for Women, the first Indian girl to enter the University, at Calcutta, in 1875. The Duron Education Society has also made important contributions to the cause of female education, and Karve's Women's University, having in 1931 twenty-four stu-

¹²⁷ Imperial Gazette, Vol. IV, p. 49.

¹²⁸ Basudeb Torvelkumar, *History of Education*, p. 284-285.

women, mainly in Gujarat and Maharashtra, utilized to it, is the brilliant result of the untiring exertions of Bhawali Keshab Kurse and Dr. R. C. Bhavdakar, both connected with the Ferguson College of Poona.

Thus female education has progressed in modern times through the agency of various forms and we have now women teachers, professors, poets and novelists, doctors and scientists, legislators and statesmen of repute. Among the famous women poets of the period under review the names of Teju Dutt, the "marvellous girl that perished before her prime,"¹⁰ of Mrs. Surendranath Ghosh and Mrs. Savita Devi Chaudhuri, of Mrs. Sanchita Nanda (now Chatterjee) and Mrs. Kanu Ray, deserve special mention, though there are many others in the field. But with all these India has as yet suffered *Bala*¹¹ as compared with other countries in the essential matter of national importance. The Hersey Committee as well as the Indian Statutory Commission recognized the "importance of the education of the girls and women in any scheme of national organization," the country has as yet failed to realize this fact and now it thinks of necessary changes in the rather set of old and unsatisfactory system of education for women. The recent (1934) session of the Delhi Women's Conference¹² views the present system of education as injurious to the best interests of the girls and requests the leading educationalists of the country to devise a simple and useful course of education for girls and further urges that every girl should be given technical education.¹³ For more than 20 years now the number of girl students reading in men's colleges has steadily increased; in fact complication in all the three grades of Eda national literatures has come to stay and is becoming an important and inevitable problem demanding careful handling.

¹⁰ Bhawali, *The Making of Modern India*, p. 179.

¹¹ Literacy female per milia aged 5 and over.

1921

11

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19

Census Report, 1931, Vol. II, Part I, p. 521.

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Increasing contact with the outside world, a revived and finer appreciation of the national culture of past ages, the urge of thorough reformation in all aspects of life and society, and the development of new situations and problems in the country, have all stimulated deep and creative thought and have inspired Literature and Art with stirring ideals and set up fresh and higher standards. The Indian genius has unfolded and is unfolding itself superbly in manifold petals, in different branches of thought and knowledge. Thus Literature has expanded in all possible channels—prose or poetry, fiction or essay, drama or epic, lyric or ballad. All the vernaculars have been, more or less, either or later, on the part of progress. We may here review briefly the advance of the more important ones—Bengali, Hindi, Urdu, Marathi and Gujarati in the North, and Tamil, Malayalam and Telugu in the South.

As during the fourteenth, fifteenth and sixteenth centuries the impetus for the development of vernacular literatures was supplied by the religious reformation movements of the time, so also in the nineteenth century the inspiration came first from the movements for social and religious reformation, and as such the literary progress in Modern India is also an aspect of the general awakening of the age. At the same time the influence of the British connection and of Western Education on the growth of Indian Literature has also been considerable.¹⁴³ British rule made it possible for India once more to think of literature and art in an atmosphere of peace and order after the troubled years of the eighteenth century; English education placed before her various new ideas and models,¹⁴⁴ and the rapid expansion of the Press helped the multiplication and circulation of books. "The Hindu intellect," remarks Mr. R. C. Dutt, "came in contact with all that is noblest and most

¹⁴³ Western Influence on Bengal Literature, Calcutta Review, November December, 1927.

¹⁴⁴ Sudhi Kumar, Dr. History of Bengal Literature in the Nineteenth Century, pp. 62-63.

health in European history and literature, and justified by it.¹¹¹

During the closing years of the eighteenth century and the beginning of the nineteenth the Bengali Novelists, notably Chaitanya, Harshman and Wool, and the pupils and successors of the Free William College were trying to create something like a great literature in Bengal. Whatever might have been their object, their efforts produced good literary results.¹¹² But it was Raja Ramchandra Roy who during the ten and twentieth of the nineteenth century devised and used effectively a powerful prose style for his work of reformation, and has thus been justly regarded as being "practically the father of the modern Bengali literary prose." He was also a poet and was the first to compose didactic hymns in Bengali. During the thirties Devarachandra Gupta (1809–52) enriched Bengali poetry with his easy-flowing, witty and interminable verse, displaying a copious power of the language unsuspected before.¹¹³ He was succeeded in the forties by two prose-writers and dramatists writing with considerable force and grace on topics of social and educational reforms, Bihari Alakay Kumar Basu (1820–54) and Pandit Jyotirachandra Vidyaenger (1820–51). A number of talented writers belonging to the Brahmo Samaj like Nekamati Devendranath Tagore, Raja Narayan Basu, Kausambhadr Das, Dvijendranath Tagore, and Pandit Bhupencharan Shastri continued the work of Alakay Kumar after his retirement from the field, and also produced a religious and philosophical literature of high merit. Vidyaenger was immediately followed by another group of literary men like Bhulaboi Chandra Mukherjee (1823–56), Puray Chaudhuri, Prasup Chandra Ghosh, Kalpanananda Sena and others.¹¹⁴ Raja Nasoyea Tarkaratra, produced in 1854, the first original

¹¹¹ Literature of Bengal, p. 38.

¹¹² S. K. De, Op. cit., Chapters III–VI.

¹¹³ R. C. Dutt, Op. cit., p. 27.

¹¹⁴ There were a delightful and rare art of Bengal, 'Alakay Kumar Das' wrote 'Bengalidipika', and Basu produced the 'Maha Bhava' in those years.

dramatic work in Bengali named *Kalpa Kalash*, which held up before the custom of *Kaliyatra* and polygamy "to deserved ridicule and contempt". After him Michael Madhusudan Datta, whose Christian education had not enabled him to appreciate the best in ancient Indian literary tradition, produced his "renaissance" plays the *Sarvadutta* in 1866 and the *Tatavana* in 1868 on Sanskrit models, and in the next year brought out his monumental epic in blank verse (a new innovation in Bengali poetry) the *Mahabharatadevta Kanya*, which has immortalized his name. The tradition thus created in the field of Bengali Literature was ably maintained by writers like Hemachandra Banerjee and Nabinchandra Sen flourishing during the eighties of the nineteenth century. The loss of dramatic composition, given up by Madhusudan Datta for epic poetry, was resumed by others the most prominent being Dinakanta Mitra, who in 1880 brought out his *Nila Darpana*, a vigorous satire on the indigo planters of Jessor and Madras. In subsequent years the writings of Girish Chandra Ghosh,¹² Anup Lal Sen and Dr L. Roy have added to the richness, variety and power of Bengali dramatic literature. The influence of the Bengal historical, social and psychological drama on the formation of the national and social life of not only Bengal but of all India cannot be over-estimated. From the close of the nineteenth and the beginning of the twentieth century, this trend has been broadening considerably, and we refrain from a survey thereof.

The meeting of the old with the new, a characteristic feature of nineteenth century history, is nicely illustrated in the works (1864—1894) of Bankimchandra Chatterjee, the first great novelist, and of Madhusudan Datta (1860) the first great epic writer of modern Bengal. Both of them learnt their art and manners from master writers of the West, but made the new

¹² *Historic Page Bengal Satyoga*, by Dr. Subodh Hemachandra Pohela, pp. 121—2.

using their own and moulded the native literature and style thereby. "Baburakhanda is in prose what Mukundalikha is in verse,—the founder of a new style, the exponent of a new idea, in creative imagination, in gayerous description."

Mukundalikha and Baburakhanda stand apart from the other writers of the century.¹²⁰ Basubhawan's earliest historical novel *Durgasundari* appeared in 1864, and was followed by other subsequently famous romances and social and political novels like "Kangalpatri," "Mrovali," "Visu-ekalyan," "Dara Chaudhury," "Ananta Math" and "Krishnacharan Will." In his later years he began to write on religious subjects and published his "Krishna Charita" in 1886. "Basubhawan Chandra Chatterjee" is the opinion of Mr. R. W. Fraser, "is the first great creative genius modern India has produced. For the western reader his novels are a revelation of the refined spirit of Indian life and thought."¹²¹ Basubhawan had a worthy successor in Ramchandran Chatterjee, who produced the following well-known novels in quick succession,—"Sange-Vista" (1874), "Rajat Nitira-Sandhya" (1875), "Madhuri-Kankha" (1876), "Maharatra Jyotisa-Pitambara" (1877), "Spartacus" (1880), and "Saranya" (1891). Many other novels of merit (including women) have since appeared in modern Bengal, and amongst their outstanding literary productions are "Dyanashanti" by Somen Chakravarti Ghosh, "Somadeva" by Tarka Chandra Ganguli, and "Maya Ben" by Pandit Shivasudh Shastri. In subsequent years, the field of fiction has been dominated by Rabindranath Tagore and Sarat Chandra Chatterjee and their numerous followers, and quite recently a bold realistic school of fiction writers have appeared. Kamapati the Kali Prema Ghosh of Dacca, the author of "Prakhati-Ghoda" and "Nikhar-Ghata", Rajkumar Bhattacharya, Chandra Mohan Banerji and others, have also added to the variety of Bengali literature, some notable biographical works of this period are, "Life of Rammohan Roy" by Nagendranath Chatterjee, "Life of Alhajgupta

¹²⁰ Ibid., p. 20.

¹²¹ Literary History of India, p. 422.

Kumar Dutta by Mahendranath Vidyasinha, *Life of Madhusudan Datta* by Jayendra Chandra Basu, *Life of Viswanath* by Chandi Charan Basu, *Life of Mahatma Manindra Chandra Nundy* by Sudiptiprasanna Chatterjee, etc. High class autobiographies began with Mahatma Devendranath Tagore and his son the great poet, and this class of literature has grown after them. Some Bengal writers have produced striking literary works in English also, in prose as well as in poetry. The names of Raja Ramchandran Ray, of Madhavacharan Datta, and of several members of the Dutta family of Ramnagar including the famous Toru Dutt, and of Mrs Sarojini Naidu and her brother H. N. Chatterjee deserve mention in this connection.¹²²

For almost over half a century now, Rabindranath Tagore has been mainly instrumental in shaping the literature of Bengal, and he has besides been exerting through his numerous writings in poetry and prose, his drama, novels and stories, his lyrics and sonnets and songs, an all-Indian and an international influence of profound significance. Through his writings and the artistic activities of his pupils and followers of the Santiniketan (Sripur), the outside world is getting an insight into the spirit of Indian civilization, of which in its manifold aspects he is a great revivalist and re-interpreter. "Tagore's poetry," remarks Mr. Ramsay MacDonald Jaffry, "is India. It is the product of his devotion to Indian culture. . . . It is of the soul of a people, not merely the emotion of a man; a systematic view of life, not merely a poetic mood; a culture, not merely a taste."¹²³

In Hindi Literature, Lalchand Lal, the author of *Prem Sagar* (1890) and *Social Mine*, the author of *Nishkriyakshem*, began the transformation of eastern Hindi into a literary dialect ("High Hindi"), under the guidance of Dr. John Gilchrist at the Fort William College in Calcutta at the beginning of the nineteenth century.¹²⁴ The work of the Santiniketan minnows—

¹²² Ibid., pp. 422-31.

¹²³ *The Government of India*, p. 225.

¹²⁴ F. E. Kay, *A History of Hindi Literature*, p. 32.

who translated the Christian scripture in the dialect of Northern India, should be noted here. The first version of Carey's Hindi New Testament was published in 1809 and the Hindi translation of the whole Bible was completed in 1818 A.D. Printing of Hindi books had begun at the College Press at Fort William (Calcutta) but all kinds of books in Hindi began to come out since the opening of a lithographic press at Delhi in 1837, though most of these works were of little literary merit. Hindi writers continued to enjoy, as in the past, patronage of native courts such as at Patna and Chunarh in Bundelkhand, at Rewah in Baghelkhand, at Nagpur, Deoghar, Agra, Dabholia and other places.¹²²

Hindi literature has been enriched during this period by a fairly large number of works in prose and poetry. There is a considerable output in the subject of proton and anthologies but no traditional Sanskriti like *Vaises* and *deana*, or periodical literature, have so far been mainly translations and adaptations from the neighbouring Bengali literature. But signs are not wanting in the present generation of a tendency towards striking out a line of development free from medieval traditions and imitation. Among the writers who flourished in the nineteenth century the names of the following deserve mention:—Padmavati Bhau (1750—1820), the author of *Juganivad*, *Gopal Nath*, who completed in 1829 the translation of the Mahabharata into Hindi and wrote other works as well, Chandra Sekhar Beheri (1772—1825), the author of *Ram's Hindi* and other works, Raja Sriji Phansu (1812—46), and Baba Hanchchandra of Benares (1830—88) who, for his visual writings, has been often called 'Bhartendu' ('The Moon of India').¹²³ Among the later poets, all writing in the Marathi dialect,¹²⁴

¹²² See, Dr. M. S. Gorai, Dr. M. S. Gorai, pp. 284-9.

¹²³ It is noteworthy that in spite of the fact the Pura University has recently treated the dialect of Marathi to be recognized as a medium of instruction and examination in a along with Marathi which really does not belong to Bihar.

the names of Bhaw Nath Jha (c. 1800 A.D.) and Harsukh Nath Jha (c. 1840) deserve mention. Both of them were attached to the court of the Mahants of Darbhanga. In the list of all Chaitpas the most important of all in size and contents is the *Raga-Samucchaya Raga Kalpadruma*, compiled by Krishnadasa Vyasa-das and published in 1843.

The nineteenth century saw Urdu Poetry at the height of its prosperity and also the growth of Urdu Press. Some of the most famous Urdu poets flourished during this period at Lucknow, Delhi, Patna, Rampur, and Hyderabad; amongst them may be specially mentioned Ghulib, a poet and philosopher having "originality in thought expression, similes, metaphors, imagery, vocabulary and construction."¹⁰¹ Ghulib's worthy pupil Zauq (1804–1850 A.D.), Aarif (1803–74 A.D.)¹⁰² who was a born poet and had received poetry as inheritance,¹⁰³ and whose poems or elegies are brilliant specimens of Urdu Literature. Ataullah Hussain Ali (1827–1914), whose *Maraab-e-Hali* or the *Sohb-i-Fikr* of Islam is one of its landmarks. A new era in Urdu (and Persian) poetry has been given in the twentieth century by the celebrated poet Muhammad Iqbal of Lahore,—the Rabindranath of the Punjab,—whose poems are read and appreciated both in and out of India. Urdu press for practical purposes came into existence at the Fort William College in Calcutta under the care of Dr. John Cockburn, who has been "fifthly called the father of Urdu Press."¹⁰⁴ The Christian missionaries thus conferred an inestimable benefit on Urdu Literature;¹⁰⁵ but the "Influence of Urdu press were in the latter half of the nineteenth century," when Sir Syed Ahmed and a distinguished band of scholars (Hali, Shabib, Zafarullah, Chiragh Ali, Makhdoos Ali, Naseer Ahmed, Arifi, Suhar and others) gave a great impetus to the development of Urdu.¹⁰⁶ Western edu-

¹⁰¹ Ram Bahadur Duttama, *History of Urdu Literature*, p. 101.

¹⁰² Ibid., p. 282.

¹⁰³ Ibid., p. 294.

¹⁰⁴ Ibid., p. 21.

cation and contact with English literature liberalized thought and style in Urdu literature, and books on History, travel, fiction on science, and journals began to appear. The Urdu drama has however so far remained a "local product" without any appreciable external influence, and still awaits the touch of the general renaissance.

Western and Southern India also have showed examples of the modern literary movement. In Maharashtra, Vishnu Shastri laid the foundations of Marathi prose literature and Anugopal Keshavji of the Marathi drama. In Gujarat, Dayaram (1877-1952) performed love lyrics of excellent quality, and Bhairoji Malaijan, the great Panji author, was also an author of note having good command over Gujarati and English.¹²² Justice Kashinath Trimbak Tatyay (b. 1880 A.D.), with his profound scholarship in Sanskrit and Marathi, exerted a stimulating influence on the Marathi literary circles. Both Gujarati and Marathi have profited appreciably by the modern set up by the Bengal literary revival, and many standard Bengali works were translated into these West Indian vernaculars. In South India, Mr. Chanda Venkates wrote in 1909 a novel of great interest entitled 'Fathullahi' in the vernacular language of the Malabar coast, Travancore and Cochin.¹²³ In Madras, Mrs. S. Subbarao Iyer wrote her two well-known novels, 'Sagana' and 'Kamala'.¹²⁴ Odisha life also has revised and grown in the past under influence very largely under the influence of the Bengal renaissance. The new Odia literature began with the writings of three notable authors,—Radhanath Ray, Narendranath Das, and Fakir Mohan Senapati,¹²⁵ and gradually this literature has assumed its own position.

Thus there has been an almost general awakening of the Indian mind leading in most cases to a revival and adaptation

¹²² Karkha, Op. cit., Chapters IV-VI.

¹²³ Fawcett, Op. cit., p. 434.

¹²⁴ Ibid., p. 439.

¹²⁵ E. C. Mookerjee: *Typical Selections from Odia Literature*, Vol. II (Introduction), p. xxii.

of the past literary traditions of India, which have been and are being harmonised with all that the West and the wide world has brought and is still bringing to the doors of India. As Mr. R. W. Freer has remarked: "Men such as Ram Mohan Roy, Keshab Chandra Sen, Michael Madhusudan Datta, Bankim Chandra Chatterji, Kachinath Tribhakt Talang, are no basted buildings of a Western civilisation; they were creative geniuses worthy to be reckoned in the history of India with such men of old as Kalidasa, Chaitanya, Jyotirdev, Tukaram, and Shankaracharya, and destined in the future to stand clear as the five glowing sparks sent out in the fiery furnace where new and old were fused."¹²⁴

This cultural renaissance has also necessarily created in Modern India a spirit of enquiry into the past history and antiquities of the country. The foundation of the Asiatic Society at Bengal in 1784 was a landmark in the history of India from this standpoint (marking as it does the beginning of the cultural fusion of East and West in world history as well), and since then the researches of a number of prominent European scholars (like Sir Charles Wilkins, Sir William Jones, Henry Thomas Colebrooke, Alexander Hamilton, Friedrich Schlegel, Franz Bopp, F. Rosen, Rudolf Roth, F. Max Müller, Theodor Mommsen, Bunsen, Lesser, T. W. Rhys Davids, George Bühlé, A. A. MacDonell, Keith, Jolly M. Waterman, and Toccati) have exhibited India's intellectual past in its manifold aspects.¹²⁵ No less important work in this field has been done by a galaxy of prominent Indian scholars—Raja Rammohun Roy, Dr. K. M. Banerjee, Rajendra Lal Mitra, Bhupen Lal Indrap, Sir R. G. Bhandarkar, Mr. R. C. Dutt, M. G. Ranade, Mahamahopadhyaya Haraprasad Sastri, U. C. Bhattacharyya, Halldubla Basuvera, and many others down to our own day. The University of Calcutta, the Visva-Bharati of

¹²⁴ Cf. loc. pp. 44-47.

¹²⁵ A. A. MacDonell, *India's Past*, pp. 286-47; M. Wasserman, *A History of Indian Literature*, Vol. I, pp. 8-23.

Dnyaneshwar Tagore, the Oriental Institute at Lahore, the Bhandardara Oriental Institute at Poona and the Asiatic Society of Bengal are giving considerable impetus towards the study of Indian antiquities. The Government of India Archaeological Department has also been rendering highly useful service in this matter by exploration and preservation, as is clear from the valuable series "Reports," and especially from the recent excavations at Mahendraparva in Sindh, Hampye (in the Punjab), Taxila, Nalanda, Paliyaipur and Mahasthang (in Bengal), and Nagapanditnagar (in the Madras Presidency), which have disclosed immensely important facts about the past history of India and have revolutionised current notions about things Indian. The Ancient Monuments Preservation Act passed during the administration of Lord Curzon has safeguarded and preserved many of the past relics of India's history and culture, and most native states are now enthusiastically preserving and studying antiquities within their frontiers through their own archaeological departments.

In the study of philosophy and science also India's intellect has made considerable progress in modern times. Brilliant philosophers like Dr. Sri Saradadas Nath Seal, Dr. Sri Rabindranath Tagore, Dnyaneshwar Tagore, Dr. S. Radhakrishnan, Dr. B. N. Das Gupta and others have produced works of enduring value, reinterpreting and re-creating Indian philosophy; while in scientific studies and discoveries scholars like Dr. Sir J. C. Bose, Dr. P. G. Ray, Dr. C. V. Raman, and Dr. Meghnad Saha have gained international fame; even in the domain of the younger sciences, the patient researches of Rai Bahadur Sureshchandra Ray among Chittagong fishes have immensely added to the knowledge of zoogeography in India. The various scientific surveys, like the Geological Survey, the Zoological Survey, the Botanical Survey, etc., conducted under Government guidance, have trained up a fair number of Indian practical scientists and brought out valuable materials for study and economic utilisation. The scientists of India, who have for many years been meeting annually in a Science Congress

have recently been considering the creation of an Academy of Sciences for India, but unfortunately a split occurred between North and South Indian workers, and Sir C. V. Raman started in 1934 an Academy of Sciences at Bangalore without the 'northerners'. But his administration of the Academy proved disastrous and within 3 years he retired from its Directorship.

Indian art has also received a comparatively recent blow from the decadence which had overtaken it during the period of political disorders following the gradual dismemberment of the Mughal Empire from the latter half of the seventeenth century. Real art must be nourished by high importance and attention under conditions of peace and order, cultural progress and national regeneration, but the eighteenth century in India being a period of transition, saw a remarkable deterioration of creative genius and artistic standards, and a decline in the capacity of producing and appreciating true art. Artists in the real sense of the term ceased to appear and the old styles remained but continued in established conditions in the old cities like Delhi, Jaipur, Lucknow, Hyderabad and Mysore. The descendants of the old architects, craftsmen and painters displayed a vivified taste during the first half of the nineteenth century and became bold imitators of Western styles. The Queen Bag or Wright Ali Shah at Lucknow and the Chattri Mantap of Nasiruddin Haidar, constructed of brick and plaster and the huge stately buildings set up by the rich men of our country and also by the Public Works Department of the British Indian Government are examples of this debased taste and a meaningless imitation. Gradually, however, there has been a desire to give up the imitation and puzzle of things foreign and to introduce a new style which though not exactly a revival of the traditional Rajput and Mughal styles, is however marked by a mingling of Western and Eastern ideas and models of buildings, and based upon the adaptation of modern science and example to the Indian conditions and needs. In this new architecture a clear field has been given by the New Delhi and the London India

Houses, stations, including Rajput and Moghul, Bombay and Bengal schools, and by Calcutta civil engineers, who in the course of the last few years have turned out building plans and architectural motifs of a distinctly Indian type while they are not devoid of novelty.

Painting has been rescued from the same despondent condition, and has manifested a return to Indian inspiration and ideals, through the genius and efforts of a group of Bengal artists, chiefly the Tagores and the Gangulis and their disciples.¹⁰¹ The revival of Pattachitra, Mural and Hataka art, though in Indian hands it is copying at others, like the Tagores and Gangulis, it is a spirit and a genius.¹⁰² Dr Abanindra Nath Tagore has been the guru of this group of artists who have been working with vision and faith; among the younger artists the names of Mr. Narajit Bose of Bengal and of Akbar Padmanabha Chakraborty of the Punjab deserve special mention; and in Bombay the pupils of Dr. Saloman are trying to evolve a new school of painting which seeks to apply Western methods to actual modern Indian conditions and to free art from the leading strings of medieval and academic tradition. Mr E. B. Havell, who was for several years Principal of the Government School of Art in Calcutta, was a genuine worker of the art renaissance in Bengal, and Dr A. K. Coomaraswamy has been for several years trying to convince the outside world of the unique and original qualities of Indian art. Like painting, sculpture has also revived on similar basis, the centres of renaissance being the Calcutta and Bombay Art Schools. The growth of new art schools in the other provinces, as at Lahore, Jammu, Lucknow, etc., has helped and been helped by the Bengal and Bombay Art Renaissance a good deal, and promises to produce an Indian-wide Art Movement in the near future.

Indian Music again has been similarly rescued from neglect and the curse of medieval social rigours by Bengal in

¹⁰¹ McDonald, *The Government of India*, p. 28.

the nineteenth century, and the study and cultivation of it grew rapidly with the rise of the modern Bengal drama and the stage—in which connection the services of three Tagore Raja Bhawinkel Mohan, Maharaja Jitendra Mohan and Jyotiendranath (a brother of the great poet), are to be noted. Music was given its proper place in even eastern religious exercises by the Brahmo Samaj under Rabindranath Tagore and Debendranath Tagore. In fact the Tagores have personified the "Soul" of Indian Music, restored it to respectable men and women alike, and ushered it into the stage of the modern world of culture for appreciation in India as well as abroad. Subsequently, in Calcutta, Bombay, Poona, Baroda and other places, schools and Academies of Music for scientific study and practice of Indian music and musical instruments and its application in cultured society, have grown up. One of the latest and most important developments in Indian music is the application by Bengal sages of Western musical science and methods in a subtle way to the traditional Indian forms, so as to enrich the "rhythm" with "harmony" without departing from its essential characteristics. Another important allied development is the rapid growth of a refined school of Indian dancing based on classical and folk traditions and gathered by "Western techniques," which is enthusiastically supported by the cultured sections of Indian Society following the lead of Calcutta, and which has already evoked critical appreciation even in foreign countries. Progress and new creation in these fine arts has enabled India to take to overseas production with considerable success in the course of the last few years; and a number of educated men and women of the upper classes have begun to enter this new field of activity.

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CHAPTER II

General:

(For portion marked 'A')

Same as for Chapter I

Advanced:

Same as for Chapter I

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17. G. T. Gorai: An Indian Commentary. 1928.
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1. H. C. E. Zebinaus, *Reassess India*, Chapter I.
2. Ramsey MacDonald, *The Government of India*, Pp. 1—27 and 234—263.
3. R. W. Fraser, *Literary History of India*, Chapter XV.
4. J. N. Farquhar, *Modern Religious Movements in India*, Pp. 387—430.
5. Cambridge History of India, Vol. VI, Chapters VI, VII and XIII.
6. Sir Valentine Chirol, *India*.
7. Macaulay, *The Making of Modern India*.
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6. Sir John Kaye, *Administration of the East India Company*, 1853.
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